

1914

c 8 Election Act

Ontario

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CHAPTER 8.

An Act respecting Elections of Members of the
Legislative Assembly.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

MISCELLANEOUS.

SHORT TITLE.

1. This Act may be cited as *The Ontario Election Act*. Short title.
8 Edw. VII. c. 3, s 1.

INTERPRETATION.

2. In this Act,—

Interpretation.

(a) "Candidate at an election" and "candidate" shall mean and include a person elected to serve in the Assembly, and a person who is nominated as a candidate at an election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ, or after the dissolution or vacancy in consequence of which the writ has been issued. "Candidate."

(b) "Corrupt practice" shall mean and include bribery and an act declared to be a corrupt practice by this or any other Act of this Legislature or recognized as such by the common law of Parliament. "Corrupt practice."

(c) "County" shall include a district.

"County."

(d) "County Court" shall include a district court.

"County Court."

(e) "Election" shall mean an election of a member to serve in the Assembly. "Election."

(f) "Election Court" shall mean and include a court constituted under *The Ontario Controverted Elections Act* for the trial of a petition and a Summary Trial Court constituted under that Act. "Election Court." Rev. Stat. c. 10.

(g) "Electoral district" shall mean a county or other place in or portion of Ontario, entitled to return a member to the Assembly. "Electoral District."

(h) "Form" shall mean a form in Schedule A to this Act. "Form."

"Judge of the county court."

(i) "Judge of the County Court" shall mean the Judge of the county or district court, and where there are two or more judges, the senior judge or a junior judge in case of the illness or absence of the senior judge or where the senior judge requests him to act.

"Local municipality."

(j) "Local municipality" shall mean and include a city, town, township or village, as the case may be.

"Official agent."

(k) "Official agent" shall mean the agent appointed by a candidate under section 203.

"Polling list."

(l) "Polling list" shall mean the list of voters furnished to a deputy returning officer by the returning officer in accordance with the provisions of this Act.

"To vote."

(m) "To vote" shall mean to vote at an election.

"Voters' lists."

(n) "Voters' list" shall mean a voters' list under the provisions of *The Ontario Voters' Lists Act*. 8 Edw. VII. c. 3, s. 2.

CLERK OF THE CROWN IN CHANCERY.

Clerk of the Crown in Chancery.

3. The Clerk of the Assembly shall be *ex-officio* Clerk of the Crown in Chancery, and shall discharge all the duties which by any Statute, law, or usage ought to be, or have heretofore been discharged or performed by the Clerk of the Crown in Chancery. 8 Edw. VII. c. 3, s. 3.

EFFECT OF IRREGULARITIES.

Irregularities not affecting result.

4. No election shall be declared invalid by reason of,—

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll, or
- (b) a failure to hold a poll at any place appointed for holding a poll, or
- (c) non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or as to limitations of time, or
- (d) any mistake in the use of the Forms contained in Schedule A,

if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such irregularity, failure, non-compliance or mistake did not affect the result of the election. 8 Edw. VII. c. 3, s. 4.

ELECTION INTERRUPTED.

5. If by reason of riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the returning officer or deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of nine o'clock in the forenoon, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates has been given, or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. 8 Edw. VII. c. 3, s. 5.

Provision when election or polling is not commenced or is interrupted.

OATHS AND AFFIDAVITS.

6.—(1) Except where otherwise provided, any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for taking affidavits or a notary public.

Who may take affidavits.

(2) The returning officer shall have power to administer any oath required by this Act with respect to the election and the deputy returning officer and poll clerk may administer any oath except such as is required to be administered to the returning officer.

Oaths, who to administer.

(3) Every person before whom it is herein provided that an oath or affidavit may be taken, shall administer the same gratuitously. 8 Edw VII. c. 3, s. 6.

No charge for administering oaths, etc.

AGENTS.

7. A person who, by section 12, is disqualified and incompetent to vote, or who within eight years has been found guilty by a competent tribunal of a corrupt practice or reported for a corrupt practice by an Election Court, shall not act as agent for a candidate at an election; and any person violating this enactment shall incur the same penalty as if he had voted at the election. 8 Edw. VII. c. 3, s. 7.

Certain persons disqualified from acting as agents.

Penalty.

8. A candidate may himself undertake the duties which any agent of his, except his official agent, might have undertaken, if appointed, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act attend, except at the marking of a ballot under section 100. 8 Edw. VII. c. 3, s. 8.

Right of candidates to undertake duties of agent.

9. Where in this Act expressions are used requiring or authorizing any act to be done in the presence of the agents

Non-attendance of agents.

of the candidates, the non-attendance of any agent shall not invalidate the act done. 8 Edw. VII. c. 3, s. 9.

PERSONS NOMINATED WITHOUT CONSENT.

Non-liability of person nominated without consent.

10. Nothing in this Act shall impose any liability upon any person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration, or has been elected. 8 Edw. VII. c. 3, s. 10.

QUALIFICATION OF CANDIDATE.

Who may be candidates.

11. Any male person of the full age of twenty-one years and a British subject by birth or naturalization resident in Ontario, who is not disqualified by *The Legislative Assembly Act* or by any other Act, shall be qualified to be a candidate. 8 Edw. VII. c. 3, s. 11.

Rev. Stat. c. 11.

QUALIFICATION OF VOTERS.

WHO SHALL NOT VOTE.

Persons disqualified from voting.

12.—(1) Judges of the Dominion and Provincial Courts, officers of the Customs of the Dominion of Canada, clerks of the peace, crown attorneys, postmasters in cities and towns, stipendiary magistrates, police magistrates in cities and towns having a population of 5,000 or more, and officers employed in the collection of duties payable to His Majesty in the nature of duties of excise, shall be disqualified and incompetent to vote.

Penalty.

(2) If any person mentioned in this section votes, he shall incur a penalty of \$2,000, and his vote shall be null and void. 8 Edw. VII. c. 3, s. 12.

Disqualification of certain officers.

13.—(1) No returning officer or election clerk shall be entitled to vote; but this provision shall not affect the duty of the returning officer to give a casting vote.

Persons employed by candidates for reward.

(2) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor.

Saving as to election officers.

(3) The next preceding subsection shall not apply to any person who performs any official duty in connection with the election and who receives the fees to which he is entitled. 8 Edw. VII. c. 3, s. 13.

14. No woman shall be entitled to vote. 8 Edw. VII. c. 3, s. 14. Women not to vote.

15. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a gaol or prison undergoing punishment for a criminal offence, or is a patient in a hospital for the insane, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal house of refuge or house of industry. 8 Edw. VII. c. 3, s. 15. Disqualification of convicts, insane persons, etc.

WHO MAY BE ENTERED ON LISTS.

Revised Voters' List of a Municipality.

16. Every man shall be entitled to be entered on the voters' list prepared under Parts I. or II. of *The Ontario Voters' Lists Act*, who Qualification of voters. Entry on voters' list under Rev. Stat. c. 6.

(a) is of the full age of twenty-one years, or will be of that age within 30 days after the day fixed for hearing appeals to the Judge under that Act;

(b) is a British subject by birth or naturalization;

(c) is not disqualified under this Act or otherwise by law prohibited from voting;

(d) has resided in Canada for the nine months next preceding the time fixed by statute or by by-law authorized by statute for beginning to make the assessment roll of the municipality in which he resides, or has resided within Canada for the twelve months next preceding the time up to which application, complaint or appeal to enter his name on such list may be made to the Judge under *The Ontario Voters' Lists Acts*; Rev. Stat. c. 6.

(e) was in good faith at the time of beginning to make the assessment roll or for making application, complaint or appeal to the Judge, as the case may be, a resident of and domiciled in the municipality on the list of which he is to be entered. 8 Edw. VII. c. 3, s. 16.

List of Voters prepared under "The Manhood Suffrage Registration Act."

17.—(1) Every man shall be entitled to be entered on the list of voters prepared under *The Manhood Suffrage Registration Act*, who Entry on list under Rev. Stat. c. 7.

(a) is of the full age of twenty-one years;

(b) is a British subject by birth or naturalization;

- (c) is not disqualified under this Act or otherwise by law prohibited from voting;
- (d) has resided in Canada for the twelve months next preceeding the day on which the first sittings of the registrars of manhood suffrage voters was held for the preparation of the lists of voters under *The Manhood Suffrage Registration Act*;
- (e) was in good faith on that day and for the three months next preceeding the same a resident of and domiciled in the city or town on the list of which or part of which he is to be entered;

Rev. Stat.
c. 7.

and in any municipality divided into two or more electoral districts and in any municipality, parts of which are situate in two or more electoral districts who

- (f) was in good faith on that day and for the next preceeding thirty days a resident of and domiciled within the electoral district.

Permanent
militia,
militia on
service and
students.

(2) Members of a permanent militia corps enlisted for continuous service, members of the active militia on service, and students in attendance at an institution of learning who are during such service or attendance residents of a city or town, and who are not entitled to be or could not have been and are not at the time of their application for registration, registered or entered upon any other list of persons entitled to vote at elections for the Assembly shall be entitled to be registered as manhood suffrage voters in the city or town, if otherwise qualified according to the provisions of subsection 1. 8 Edw. VII. c. 3, s. 17.

Voters Lists' prepared for territory without municipal organization.

Voters on lists
prepared for
unorganized
territory
under Rev.
Stat. c. 6.

18. In those parts of Ontario without municipal organization, as defined by *The Ontario Voters' Lists Act*, every man shall be entitled to be entered on the voters' list prepared under Part III. of that Act, who

- (a) is of the full age of twenty-one years or will be of that age within 30 days after the day fixed for hearing appeals to the Judge under the said Act;
- (b) is a British subject by birth or naturalization;
- (c) is not disqualified under this Act or otherwise by law prohibited from voting;
- (d) has resided in Canada for the nine months preceeding the day for commencing to prepare the list on which he is to be entered.

- (e) is a resident of and domiciled in the territory for which the list is being prepared. 8 Edw. VII. c. 3, s. 18.

WHO MAY VOTE.

19. Subject to the provisions of sections 20 and 21 of this Act and to the provisions of sections 24 and 68 of *The Ontario Voters' Lists Act* and section 33 of *The Manhood Suffrage Registration Act*, every man whose name is entered on either of the lists prepared under those Acts, shall be entitled to vote if he is at the time of tendering his vote a resident of and domiciled in the electoral district and has resided continuously therein from the time when the list was certified by the Judge of the County Court or when the list under *The Manhood Suffrage Registration Act* was prepared, as the case may be, but no one who has been entered upon a voters' list as a person who will attain the age of 21 years within 30 days after the day fixed for hearing appeals to the Judge, under *The Ontario Voters' Lists Act* shall be entitled to vote until he has attained the age of 21 years. 8 Edw. VII. c. 3, s. 19.

Finality of voters' lists.
Rev. Stat. cc. 6, 7.

Clergymen and School Teachers.

20. Where the name of a clergyman or of a high or public or separate school teacher is entered on any voters list, prepared under *The Ontario Voters' Lists Act* and proper to be used at an election for an electoral district, he shall be entitled to vote at such election, although he does not at the time of the election reside in such electoral district if he has not ceased to reside therein for more than three months next preceding the election, is not entitled to vote in any other electoral district, is otherwise qualified and is still a resident of Ontario. 8 Edw. VII. c. 3, s. 20.

Clergymen and school teachers, removal not to disqualify.
Rev. Stat. c. 6.

Temporary Absence and Domicile.

21.—(1) A person may be resident in a municipality within the meaning of this Act notwithstanding occasional or temporary absence or absence as

When temporary absence not to disqualify.

- (a) a member of a permanent militia corps enlisted for continuous service or on service as a member of the active militia; or

- (b) a student in attendance at an institution of learning in the Dominion of Canada.

(2) Such absence shall not disentitle him to be entered on the assessment roll or entered or registered on a list of voters as a voter or to vote.

Entry on roll and voters' list.

(3) No person shall be deemed to be domiciled within the meaning of sections 16 and 17 in a municipality in which

Domicile of students.

he is in attendance as a student at an institution of learning, if he has a place of residence in another municipality and is entered or is entitled to be or could have been entered on the voters' list thereof. 8 Edw. VII. c. 3, s. 21.

Indians.

Unenfranchised Indians. 22.—(1) An unenfranchised Indian of whole or part Indian blood residing or having his domicile among Indians or on an Indian Reserve, shall not be entitled to have his name entered on the voters' list or to vote.

Oath. (2) A person alleged by a candidate, or the agent of a candidate, to be an Indian or a person of part Indian blood, if required by the candidate or his agent, or by the deputy returning officer, shall take one of the following oaths in addition to any other oath required of a voter:—

You swear (or affirm) that you are not an Indian or a person having part Indian blood.

Or, at his option,—

You swear (or affirm) that you are an enfranchised Indian.

Or, at his option,—

You swear (or affirm) that you do not reside nor is your domicile among Indians or on an Indian Reserve.

8 Edw. VII. c. 3, s. 22.

PROCEEDINGS PRELIMINARY TO ELECTIONS

DATES FOR NOMINATION AND POLLING.

Appointment of day for holding.

23.—(1) Where an election is to be held the Lieutenant-Governor in Council may appoint a day, not more than twenty nor less than sixteen days from the date of the writs of election for the nomination of candidates and the seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted.

Date to be same in all electoral districts.

(2) In the case of a general election the nominations shall be held on one and the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election

Writs to bear date on same day.

(3) The writs for a general election shall be dated on the same day.

Writs to state dates of nomination and polling.

(4) A writ of election shall state the respective days for the nomination and for the polling, and need not name a return day, but shall be returnable forthwith after the execution thereof. 8 Edw. VII. c. 3, s. 23.

Procedure in case of an electoral district returning more than one member and by separate seats.

24.—(1) In an electoral district entitled to return more than one member where the members are to be elected for separate seats, there shall be a separate writ of election for each seat, and the election of a member for each seat shall be a separate election from the election of a member for the

other seat or seats, and shall take place in the same manner and the proceedings therefor and incidental thereto and consequent thereon shall be the same in all respects as if the election of a member for each seat were the election of a member for an electoral district entitled to return only one member, save and except that the same returning officer, election clerk, deputy returning officers, and poll clerks shall conduct the elections for all the seats, and the nomination of candidates and the polling of the votes for all the seats shall take place at the same time and at the same places respectively, and the same ballot box shall be used.

(2) The nominations shall take place in the same manner as if the members to be elected were to be elected for the electoral district, except that candidates shall be nominated separately for each seat.

Manner of nomination.

(3) If a person is nominated for more than one of such seats he may before the close of the nomination elect for which seat he will be a candidate, and failing such election he shall before four o'clock in the afternoon of the second day after the nomination, notify the returning officer in writing for which seat he elects to be a candidate, and if he fails to do so he shall be deemed not to be a candidate and his name shall not be printed on the ballot papers, and if the result is that one candidate only remains in nomination for a seat the returning officer shall return such candidate as duly elected for such seat.

Where candidate nominated for more than one seat.

(4) For each seat there shall be separate ballot papers, on the back of which after the name of the electoral district there shall be added the number or other designation of the seat.

Separate ballot paper for each seat.

(5) A voter shall be entitled to vote for only one candidate for each seat.

Voter to vote for one candidate for each seat.

(6) The returning officer and other election officers shall not be entitled to any greater or other fees than if the election were an election for an electoral district and not for separate seats. 8 Edw. VII. c. 3, s. 24.

Fees of officers.

FORMS, ETC.

Papers and Forms to be sent by Clerk of Crown in Chancery to Returning Officer.

25.—(1) Before any general or other election, the Clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, Form 1, and shall transmit by post to the returning officer of every electoral district, such number of copies as he may deem sufficient to supply every deputy returning officer with five copies, and the deputy returning officer shall post up one

Notice as to secrecy to be sent to Returning Officers before elections.

copy in a conspicuous place outside the polling place, and one in a conspicuous place within the polling place, and he shall see that they remain so posted up from the opening to the close of the poll.

(2) The notice may be separated from or added to the directions for the guidance of voters in voting, Form 13.

Supply of
forms by
King's
Printer.

(3) The Clerk of the Crown in Chancery shall also procure from the King's Printer the forms, other than the proclamation of the nomination, prescribed by this Act, for each electoral district in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 146, and such stationery as may be necessary, and shall send the same to the returning officer forthwith after the issue of the writ. 8 Edw. VII. c. 3, s. 25.

Supply of
poll books
and forms.

26. Immediately after the issue of the writ, the Clerk of the Crown in Chancery shall supply the returning officer with a sufficient number of blank poll-books, Form 2, for the purposes of the election, having regard to the number of polling places within the electoral district containing the following blank forms:

1. Commission of deputy returning officer.

2. Oath of deputy returning officer.

3. Copy of the certificate of the clerk of the municipality showing the time fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the Judge under *The Ontario Voters' Lists Act*.

Rev. Stat.
c. 6.

4. Commission of poll clerk.

5. Oath of poll clerk.

6. Oath of secrecy.

7. Schedule for "Notes of objections" to ballot papers under section 115.

8. Statement of the poll after counting the ballot papers.

9. Ballot paper account.

10. Oath of deputy returning officer after closing the poll.

11. Oath of poll clerk after closing the poll. 8 Edw. VII. c. 3, s. 26.

Transmission
to Returning
Officers of
copies of this
Act.

27. There shall be transmitted to the returning officer with the writ of election, such number of copies of this Act and of any Acts amending the same, as will be sufficient to supply him and each deputy returning officer with one copy at least; and every copy shall contain an alphabetical index. 8 Edw. VII. c. 3, s. 27.

[As to transmission of copies of the *Manhood Suffrage Registration Act* and *The Punishment for Personation Act*. See *The Manhood Suffrage Registration Act*, s. 44.]

RETURNING OFFICERS.

28. A commission shall not be required for the appointment of a returning officer, but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment. 8 Edw. VII. c. 3, s. 28.

Appointment of Returning Officer.

29. Every writ of election shall be addressed to such person, being a resident of the electoral district for which the election is to take place, as the Lieutenant-Governor in Council may appoint. 8 Edw. VII. c. 3, s. 29.

Writ for elections, to whom addressed.

30. If the person to whom the writ is addressed dies or refuses to act, or is absent or incapacitated or unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer. 8 Edw. VII. c. 3, s. 30.

Refusal or incapacity to act.

31. If a writ has been issued to a person whose appointment is afterwards superseded or to a person in whose stead a returning officer has been appointed under the provisions of the next preceding section, a new writ may be issued or the new returning officer, may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in place of the persons, if any, appointed to such offices by the person previously named as returning officer. 8 Edw. VII. c. 3, s. 31.

Where appointment is subsequently superseded.

32.—(1) None of the persons hereinafter mentioned shall be appointed or shall act as returning officer, deputy returning officer, election clerk, or poll clerk:—

Persons excluded from being Returning Officers, etc.

- (a) Members of the Executive Council;
- (b) Members of the Parliament of Canada or of the Assembly;
- (c) Ministers, priests or ecclesiastics under any form or profession of religious faith or worship;
- (d) Judges of Dominion or Provincial Courts;
- (e) Persons who have served as members of the Assembly in the Session next preceding the election, or in the then present Session, if the election takes place during a Session of the Assembly;

(f) Persons who have at any time been found guilty by a competent tribunal of or reported by an Election Court for corrupt practices.

Penalty.

(2) If any such person acts as returning officer, deputy returning officer, election clerk, or poll clerk, he shall incur a penalty of \$200.

Validity of election not affected.

(3) A contravention of this section shall not affect the validity of the election. 8 Edw. VII. c. 3, s. 32.

Exempted persons.

33. None of the persons hereinafter mentioned shall be obliged to act as returning officer, deputy returning officer, election clerk, or poll clerk:—

- (a) Physicians and surgeons;
- (b) Millers;
- (c) Postmasters;
- (d) Persons sixty years of age or upwards;
- (e) Persons who have previously served as returning officers. 8 Edw. VII. c. 3, s. 33.

Penalty for refusal to act.

34. Every person not disqualified by this Act, who refuses to perform the duty of returning officer after having received the writ of election, shall incur a penalty of \$200; unless, having a right to claim the exemption conferred by the next preceding section, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded to the Clerk of the Crown in Chancery within two days next after the receipt of the writ of election. 8 Edw. VII. c. 3, s. 34.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

Endorsement on writ.

35. The returning officer shall, on receiving the writ, forthwith endorse thereon the date of its receipt. 8 Edw. VII. c. 3, s. 35.

Oath of Returning Officer.

Oath of returning officer.

36. The returning officer shall, before the nomination day, take and subscribe the oath, Form 3; and a returning officer who refuses or neglects to take and subscribe the oath, shall incur a penalty of \$40. 8 Edw. VII. c. 3, s. 36.

Penalty.

Proclamation by Returning Officer.

Proclamation by returning officer.

37.—(1) The returning officer forthwith after the receipt of the writ shall by proclamation under his hand in the English language, Form 4, declare:—

- (a) the place and time fixed for the nomination of candidates;

- (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) the polling places fixed by him and the territorial limits to which they respectively apply;
- (d) the time when and the place where he will add up the number of votes given to the several candidates.

(2) The proclamation shall be posted up in the electoral district at least eight days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. 8 Edw. VII. c. 3, s. 37. When proclamation to be posted up.

38. The place for the nomination of candidates shall be the court house, city or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from twelve o'clock noon until two o'clock in the afternoon of the day fixed for that purpose. 8 Edw. VII. c. 3, s. 38. Place of nomination.

39.—(1) In a city or town, the proclamation shall be posted up at the city or town hall, and in some public place in each ward, and in other places at the town hall or other public place where the meetings of the municipal council are held, at every post office, and in at least one other public place in every polling subdivision. Places of posting up proclamation.

(2) In territory without county organization it shall not be necessary to post up the proclamation for holding the election at every post office in the electoral district, but it shall be posted up in some public place in the neighbourhood of each place at which a poll is required to be held. 8 Edw. VII. c. 3, s. 39. Places of posting up proclamation in districts.

40. A returning officer refusing or neglecting to cause the proclamation to be posted up as prescribed by this Act shall incur a penalty of \$200. 8 Edw. VII. c. 3, s. 40. Penalty.

41.—(1) Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day or the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day. Unforeseen delays provided for.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 37. Form of proclamation.

Polling day. (3) The polling day shall be the seventh day after the nomination day.

Report as to cause of postponement. (4) The returning officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. 8 Edw. VII. c. 3, s. 41.

Communication with Pelee Island and Amherst Island may be by telephone.

42. Where an election for an electoral district of which Pelee Island or Amherst Island forms part is to be held between the months of October and April, and the Lieutenant-Governor in Council, is satisfied that communication and travel between Pelee Island or Amherst Island and the main land is likely to be dangerous or to be interrupted he may direct that all necessary instructions and information relating to the election be transmitted by telephone, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the returning officer to return the candidate having the majority, or to make such other return as the case requires; and the Lieutenant-Governor in Council may make such order for carrying out the provisions of this section as to him may seem proper. 8 Edw. VII. c. 3, s. 42.

Election Clerks.

Appointment of an election clerk.

43.—(1) The returning officer before the nomination day shall appoint, by a commission under his hand, Form 5, an election clerk.

Case of death or default of election clerk provided for.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of election clerk.

(3) The election clerk shall assist the returning officer in the performance of his duties and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. 8 Edw. VII. c. 3, s. 43.

Oath of election clerk.

44. The election clerk shall before entering upon his duties take and subscribe the oath, Form 6. 8 Edw. VII. c. 3, s. 44.

Penalty for refusing to act.

45. A person appointed election clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of election clerk, shall incur a penalty of \$40. 8 Edw. VII. c. 3, s. 45.

Appointment and oath to be on writ.

46. The appointment and oath of an election clerk shall be either endorsed on or attached to the writ. 8 Edw. VII. c. 3, s. 46.

47. An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties and to all the obligations of that office in like manner as if he had been appointed returning officer, and shall not be required to possess any other qualification or to take the oath, Form 3. 8 Edw. VII. c. 3, s. 47.

Duties and liabilities when acting as returning officer.

Ballot Boxes.

48.—(1) The returning officer shall, on receiving the writ, provide as many ballot boxes as there are polling places within the electoral district.

Ballot boxes to be furnished.

(2) The ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballot paper can be deposited therein, and cannot be withdrawn without unlocking the box.

How made.

(3) If the returning officer fails to provide the ballot boxes, he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide. 8 Edw. VII. c. 3, s. 48.

Penalty on failure to furnish boxes.

49. The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election, shall be in His Majesty. 8 Edw. VII. c. 3, s. 49.

Property of the Crown.

50. Where it becomes necessary to use the ballot boxes, the returning officer, two days at least before the polling day, shall deliver one ballot box to every deputy returning officer. 8 Edw. VII. c. 3, s. 50.

Delivery of ballot boxes to deputy returning officers.

51. A deputy returning officer who has not been supplied with a ballot box within the time prescribed in the next preceding section, shall forthwith procure one to be made. 8 Edw. VII. c. 3, s. 51.

Duty of deputy returning officer as to ballot box.

52. After the close of the election the returning officer shall deliver the ballot boxes used in the election to the several clerks of the municipalities in the electoral district and to the clerk of the peace in the case of territory without municipal organization and the boxes shall be preserved by them for use at future elections. 8 Edw. VII. c. 3, s. 52.

Return of ballot boxes to municipal clerks and clerk of peace.

Polling Subdivisions.

53.—(1) In case of failure of the council to divide a municipality into polling subdivisions in accordance with the provisions of *The Municipal Act*, or in case a division has been made and the time for appealing therefrom has not expired, the returning officer shall make the division.

When returning officer to make division.
Rev. Stat. c. 192.

(2) Where the council has divided the municipality into polling subdivisions the returning officer shall not be

when council has divided municipality.

Rev. Stat.
c. 192.

Remuneration
of returning
officer making
division.

required to make any change in the boundaries of a polling subdivision which does not contain a greater number of voters than prescribed by *The Municipal Act*.

(3) If it is necessary for a returning officer to divide a municipality or any part thereof into polling subdivisions, he shall be entitled to a reasonable allowance therefor. 8 Edw. VII. c. 3, s. 53.

Polling Places.

Polling places
in each polling
subdivision.

54.—(1) Subject to the provisions of subsection 3, the returning officer on receiving the writ shall fix and provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters.

Additional
polling places
in discretion
of returning
officer.

(2) A returning officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any body of its voters from the polling place render necessary.

Union of
polling sub-
divisions
in cities.

(3) In a city the returning officer may unite two or more adjoining polling subdivisions and fix one polling place for the united subdivisions, but such united polling subdivision shall not contain more than the number of voters prescribed by *The Municipal Act*.

Rev. Stat.
c. 192.

Cost of polling
places.

(4) In a city the actual cost of each polling place not exceeding \$6, and in other municipalities not exceeding \$4, shall be allowed to the returning officer, and be paid out of the Consolidated Revenue Fund.

Polling place
not to be a
tavern.

(5) The building in which the poll is held shall not be a tavern or place of public entertainment; and there shall be free access to the poll for every voter.

Additional
polling places
in sub-
divisions
where voters
exceed 300.

(6) Where a polling subdivision contains more than the prescribed number of voters the returning officer instead of subdividing it may provide one or more additional polling places near to one another, having regard to the total number of voters in the polling subdivision.

Division to be
according to
initial letter
of voters'
names

(7) Where there are two or more polling places in a subdivision each polling place shall be designated by the initial letters of the surnames of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the returning officer.

Where voters
to vote.

(8) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated.

Appointment
of deputies for
additional
polling places.

(9) The returning officer shall appoint a deputy returning officer for each such polling place, and deliver to him in due time a polling list to be prepared by the clerk of the peace or the clerk of the municipality as the case may be in

the manner hereinafter provided, containing the names of all voters on the proper list of voters for the polling subdivision whose surnames commence with the letters of the alphabet included within the letters by which such polling place is designated. 8 Edw. VII. c. 3, s. 54.

55. Every polling place shall be furnished with compartments in which the voters can mark their ballot papers screened from observation; and it shall be the duty of the returning officer and the deputy returning officer respectively, to see that a sufficient number of compartments is provided at each polling place. 8 Edw. VII. c. 3, s. 55.

Compartment
for voters to
mark ballots.

NOMINATION.

PROCEDURE BY RETURNING OFFICER.

56. The returning officer, at the time and place fixed for the nominations shall in the English language make or cause to be made, in the presence of the voters there assembled, a proclamation, Form 7, and read or cause to be read publicly, the writ of election, and his commission as returning officer when he has been appointed by commission, and shall then require the electors there present to name the person or persons whom they wish to represent them in the Assembly. 8 Edw. VII. c. 3, s. 56.

Proceedings of
the returning
officer on the
day of nomination.

WHEN POLL TO BE GRANTED.

57. A show of hands shall not be taken on the nomination day, but if more candidates than are required to be elected are nominated the returning officer shall grant a poll for taking the votes, and if he refuses or neglects to do so he shall incur a penalty of \$1,000, and if he declares any candidate to be elected the election shall be void. 8 Edw. VII. c. 3, s. 57.

Grant of poll

ELECTION BY ACCLAMATION.

58. If no more candidates are nominated than are required to be elected, or if by the withdrawal of persons nominated there remain no more candidates than are required to be elected, the returning officer at the expiration of one hour from the nomination of the candidate last nominated, shall close the election, and openly proclaim the person or persons so chosen to be duly elected. 8 Edw. VII. c. 3, s. 58.

If only one
candidate pro-
posed within
an hour, he
to be declared
elected.

OFFICIAL AGENTS OF CANDIDATES.

59. The returning officer shall announce at the place and on the day of nomination and on or immediately after the day of nomination, shall publish at the expense of the candidates the names and addresses of their official agents in a newspaper, published or circulated within the electoral district. 8 Edw. VII. c. 3, s. 59.

Returning
officer to pub-
lish names and
addresses of
agents.

WITHDRAWAL OF CANDIDATES.

Withdrawal of
candidate after
nomination.

60. Subject to the provisions of section 24 a candidate may withdraw at any time after his nomination and before the opening of the poll, by delivering to the returning officer a declaration in writing, Form 8, to that effect signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be null and void; and if after the withdrawal there remain but one candidate, or only the number of candidates required to be elected, the returning officer shall return as duly elected the candidate or candidates so remaining. 8 Edw. VII. c. 3, s. 60.

DEATH OF CANDIDATE.

Death of candi-
date.

61. If a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days for the nomination of candidates, and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day, and, with his return, he shall make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. 8 Edw. VII. c. 3, s. 61.

PROCLAMATION OF NAMES OF DEPUTY RETURNING OFFICERS.

Returning
officer to pro-
claim names of
deputy return-
ing officers.

62. Where a poll has been granted, the returning officer, immediately after having granted a poll, and before adjourning his proceedings, shall publicly proclaim at the place of nomination as far as practicable the names of the deputy returning officers. 8 Edw. VII. c. 3, s. 62.

POLLING.

PROCEEDINGS PRELIMINARY TO THE POLL.

Deputy Returning Officers.

Appointment
of deputy
returning
officers.

63.—(1) The returning officer, by a commission under his hand, Form 9, shall appoint a deputy returning officer for every polling place.

Deputy return-
ing officer to be
a voter in local
municipality.

(2) No person shall be so appointed who is not a voter in the local municipality wherein the polling place for which he is appointed is situate, or, in the case of territory without municipal organization, who is not a voter in the electoral district. 8 Edw. VII. c. 3, s. 63.

Oath of
office, etc.

64. Every deputy returning officer before acting shall take and subscribe, the oath, Form 10. 8 Edw. VII. c. 3, s. 64.

65. A person appointed a deputy returning officer who refuses to accept the office, or who, after having accepted it, refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer, shall incur a penalty of \$100. 8 Edw. VII. c. 3, s. 65.

Penalty for refusing to perform duties of office.

66. In case of the death, illness or absence of a deputy returning officer or of his refusal or neglect to act, the returning officer may in the manner hereinbefore provided, appoint another deputy returning officer to act in his stead; and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. 8 Edw. VII. c. 3, s. 66.

Death or absence of deputy returning officer.

Polling Places in Unorganized Territory.

67. In territory without municipal organization, polls shall be held at such places as the Lieutenant-Governor in Council may direct. 8 Edw. VII. c. 3, s. 67.

Polling places in districts.

68. Territory comprised within a newly organized municipality for which there is no assessment roll shall be deemed to be territory without municipal organization within the meaning of the next preceding section. 8 Edw. VII. c. 3, s. 68.

Municipality without assessment roll.

Materials to be furnished to Deputy Returning Officer.

69. The returning officer shall deliver to each deputy returning officer, two days at least before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen, if one is required. 8 Edw. VII. c. 3, s. 69.

Supplies to be furnished by Returning Officer.

Ballot Papers.

70.—(1) The returning officer shall procure to be printed on the paper furnished to him, as hereinafter provided, a sufficient number of ballot papers, not being less than the total number of voters in the electoral district.

Returning officer to see to printing of ballots.

(2) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form 12.

Form of ballot.

(3) Where two members are to be elected, and there are more than two candidates, the candidates may, within an hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged accordingly on the ballot paper.

Arrangement of names thereon.

Weight of
paper.

(4) The paper used for printing the ballot papers shall be of the following weight: if foolscap paper is used, it shall be of a weight of not less than sixteen pounds to the ream; if large post paper is used, it shall be of a weight of not less than twenty-five pounds to the ream.

Paper furnish-
ed by King's
Printer.

(5) The paper required for the printing of the ballot papers shall be furnished to the returning officer by the King's Printer, when the writ for the election is transmitted to him, or as soon thereafter as possible.

Numbering of
ballot papers.

(6) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books containing twenty-five, fifty, or one hundred ballot papers, as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Uniformity.

(7) All ballot papers shall be of the same description and as nearly alike as possible.

Printer's name.

(8) The ballot papers shall bear the name of the printer who prints them.

Affidavit of
printer.

(9) The printer shall, with the ballot papers, deliver to the returning officer, an affidavit, Form 11. 8 Edw. VII. c. 3, s. 70.

Supply to
Deputy
Returning
Officer.

71.—(1) The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers.

Ballots to be
stamped.

(2) Every ballot paper shall be stamped by the returning officer with a stamp furnished to him for that purpose by the Clerk of the Crown in Chancery, the impression of the stamp being so placed on the ballot paper that, when the latter is folded by a voter, the impression can be seen without the ballot paper being opened.

Special
stamp.

(3) The stamp shall be specially designed and made for the purposes of each election, and shall be forwarded by the Clerk of the Crown in Chancery to the returning officer, so as to reach him on or about the nomination day.

Design of
stamp.

(4) The stamp shall show the name of the electoral district and the year of the election, and shall be of such design that an impression made from it shall be readily recognizable.

Copies of
directions to
voters for
deputy re-
turning
officers.

72. The returning officer shall furnish each deputy returning officer with at least five copies of the printed directions, Form 13, for the guidance of voters in voting, and the deputy returning officer shall before or at the

opening of the poll, on the day of polling, cause such printed directions to be posted up in conspicuous places outside of the polling place, and also in each compartment of the polling place. 8 Edw. VII. c. 3, s. 72.

Certificate as to Assessment Roll.

73.—(1) The returning officer shall, before the opening of the poll, obtain from the clerk of each municipality, a certificate, Form 14, shewing the day fixed for the assessor to begin to make the assessment roll on which the voters' lists proper to be used for the purposes of the election is based, and the last day on which a complaint could be made to the Judge in respect of the list.

Obtaining certificate as to assessment roll, etc.

(2) The clerk shall furnish the certificate upon being required to do so by the returning officer or any other person who applies for the same, and in case of neglect or refusal shall incur a penalty of \$200.

Clerk to give certificates.

(3) For every such certificate the clerk shall be entitled to receive the sum of twenty-five cents.

Fee.

(4) The returning officer immediately after receiving the certificates shall enter copies thereof in the proper poll books and shall certify thereunder that the same are true copies of the original certificates received by him from the clerk.

Entry of certificates in poll books.

(5) The copies of the certificates in the poll book shall be the evidence upon which the deputy returning officer shall act in inserting in the oath to be administered to a voter the date for beginning to make the assessment roll or the last day for making complaints. 8 Edw. VII. c. 3, s. 73.

Certificate to be evidence of dates.

Voters' Lists.

74. Subject to the provisions of the next succeeding four sections, the first and third parts of the last voters' list certified by the Judge and delivered or transmitted to the clerk of the peace, under *The Ontario Voters' Lists Act*, before the date of the writ, shall be the proper voters' list under that Act for the election. 8 Edw. VII. c. 3, s. 74.

What voters' list to be used.

Rev. Stat. c. 6.

75. If a municipal council has by by-law divided the municipality into polling subdivisions in accordance with the provisions of *The Municipal Act*, and the time for appealing from the by-law has expired, and no voters' lists for the subdivisions have been filed with the clerk of the peace, as required by *The Ontario Voters' Lists Act*, but a voters' list of the municipality or of the wards therein has been duly certified by the Judge, such list shall be the proper voters' list for the election. 8 Edw. VII. c. 3, s. 75.

Where time for appealing from by-law making polling subdivisions has expired, and no voters' lists filed.

Rev. Stat. c. 6.

Where voters' list embraces portions of electoral districts.

76. Where a voters' list embraces territory forming part of two or more electoral districts, the clerk of the peace under the direction of the returning officer shall enter the names of the voters in such territory in the proper polling list. 8 Edw. VII. c. 3, s. 77.

Municipalities where there is an assessment roll but no voters' list filed or certified. Rev. Stat. c. 6.

77.—(1) In the case of a municipality formed out of territory without previous municipal organization for which there is an assessment roll but for which no voters' list has been certified by the Judge under *The Ontario Voters' Lists Act*, the returning officer shall obtain from the clerk of the municipality a list for every polling subdivision containing the names alphabetically arranged of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision and he shall certify such lists in writing.

Effect.

(2) Every list so prepared, shall be the proper voters' list for the election for the municipality or polling subdivision.

Where certified but not filed.

(3) Where the voters' list has been certified by the Judge at least ten days before the polling day, but has not been filed with the clerk of the peace before the date of the writ of election it shall nevertheless be the proper list under *The Ontario Voters' Lists Act* for the municipality. 8 Edw. VII. c. 3, s. 78.

Rev. Stat. c. 6.

Preparation of Polling Lists by Clerk of the Peace.

Clerk of the peace to prepare lists of voters.

78.—(1) Every returning officer, upon granting a poll shall forthwith obtain from the clerk of the peace a polling list for each polling subdivision in the electoral district which shall be a true copy of the proper voters' list or of the proper voters' list and the list of manhood suffrage voters, as the case may be, for the polling subdivision, and the returning officer shall immediately cause the polling lists to be delivered to the deputy returning officers.

Lists for additional polling places.

(2) Where a returning officer instead of subdividing a polling subdivision provides additional polling places he shall obtain from the clerk of the peace as many polling lists as may be necessary for such additional polling places, and the clerk of the peace shall enter thereon the name of every person appearing to be entitled to vote at the polling place for which such polling list is required.

When clerk to perform duties of clerk of the peace.

(3) The clerk of the municipality who has the custody of a voters' list shall if required by the returning officer discharge the duties by this section assigned to the clerk of the peace, and he shall also perform the like duties as to the voters' list mentioned in subsection 3 of section 77. 8 Edw. VII. c. 3, s. 79.

79.—(1) In the case of cities and towns to which *The Manhood Suffrage Registration Act* applies, the clerk of the peace, when preparing a list of voters appearing to be entitled to vote within the subdivision or at the polling place for which the list is required, shall write at the beginning of each list in red ink, the words "Part I. Voters entitled according to the joint Municipal and Assembly list," and shall enter on that part of the list in alphabetical order the names of all persons who according to the proper voters' list are entitled to vote at both municipal elections and elections to the Assembly, and no other names.

Mode of entering names.
Where
Rev. Stat.
c. 7 applies.

From Voters' List.

(2) When the clerk of the peace has so completed the list of names, he shall write on the line immediately below the last of the names the following words, in red ink, "Part II. Voters entitled under Manhood Suffrage" and shall then enter on that part of the list in alphabetical order the names of all persons appearing on the last list of voters prepared under *The Manhood Suffrage Registration Act*.

From list under Manhood Suffrage Registration Act.

Rev. Stat.
c. 7.

(3) Where the list consists of more than one sheet or page he shall sign his name at the foot of each sheet or page, immediately after the last name thereon.

Authentication.

(4) He shall also deliver to the returning officer a sufficient number of certificates showing the date on which, as appearing by the registrar's certificate appended to his list, the first sittings was held for the preparation of the manhood suffrage voters' list. 8 Edw. VII. c. 3, s. 80.

Certificates as to registration.

80.—(1) The clerk of the peace shall add to each polling list a certificate that it is a true copy of the proper voters' list or of the proper voters' list and the list of manhood suffrage voters, as the case may be, for the polling subdivision, or polling place.

Certificate of Clerk of Peace.

(2) The clerk of the peace or the clerk of the municipality as the case may be shall be paid by the returning officer the sum of six cents for every ten names of voters on the polling list prepared by him. 8 Edw. VII. c. 3, s. 81.

Fees.

Poll Clerks.

81.—(1) The deputy returning officer shall, by a commission under his hand, Form 15, appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting, shall take and subscribe the oath, Form 16.

Appointment of Poll Clerks.

(2) Every person appointed poll clerk who refuses to accept the office, or who, after having accepted it refuses or neglects either to take and subscribe the oath or to perform the duties of a poll clerk, shall incur a penalty of \$40.

Penalty.

(3) No person shall be appointed poll clerk who is not a voter in the local municipality wherein the polling place to which he is appointed is situate, or, in the case of terri-

Poll Clerk to be a voter in local municipality.

tory without municipal organization, who is not a voter in the electoral district. 8 Edw. VII. c. 3, s. 82.

Duties of
poll clerk.

82. The poll clerk shall assist the deputy returning officer in the performance of the duties of his office, and shall obey his orders. 8 Edw. VII. c. 3, s. 83.

To act as
deputy re-
turning officer
in certain
cases.

83. If the deputy returning officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and if no other deputy returning officer appointed by the returning officer appears at the polling place the poll clerk, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, shall act as deputy returning officer, and perform all the duties and be subject to all the obligations of that office, without taking the oath of a deputy returning officer. 8 Edw. VII. c. 3, s. 84.

Appointment
of another
poll clerk
in such case.

84. Where a poll clerk acts as deputy returning officer he may appoint by a commission under his hand, Form 15, another person as poll clerk, to assist him in the performance of the duties of his office, and may administer to him the oath, and such commission and oath shall be endorsed on or attached to the poll book. 8 Edw. VII. c. 3, s. 85.

Appointment
of poll clerk
in certain
cases.

85. If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk, and the commission and the oath shall be endorsed on or attached to the poll book. 8 Edw. VII. c. 3, s. 86.

Constables.

Constable at
polling place.

86. The deputy returning officer may appoint a constable to preserve order at the polling place. 8 Edw. VII. c. 3, s. 87.

Where Voters to Vote.

Voter to vote
in subdivision
in which he
resides.

87.—(1) Subject to the provisions of the next succeeding section, if the name of a person entitled to vote is entered on the polling list for more than one polling subdivision he shall vote only at the polling place for the subdivision in which he resides, if entitled to vote in such subdivision.

Where voter
to vote
in unorgan-
ized territory.

(2) Subject to the provisions of the next succeeding section, where a voters' list has been prepared under Part III. of *The Ontario Voters' Lists Act*, every person named therein may vote at the polling place on the list for which he is entered and not elsewhere.

Rev. Stat.
c. 6.

Penalty.

(3) A person who votes in contravention of this section shall incur a penalty of \$200. 8 Edw. VII. c. 3, s. 88.

88.—(1) The returning officer on the request of any person entitled to vote who has been appointed deputy returning officer or poll clerk, or agent of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give to such person a certificate that he is entitled to vote at the polling place at which he is stationed during the polling day, and the certificate shall bear the date upon which it is signed by the returning officer.

Deputy, poll clerk and agents may vote at polling places where they are employed.

(2) The returning officer shall not give such certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote and after giving such certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

When certificate for that purpose may be given.

(3) The returning officer shall not be required to give a certificate under this section unless requested to do so at least two days before polling day, and he shall be entitled to a fee of ten cents for every certificate.

At what time.

(4) The certificate shall name the polling place at which the person is to be permitted to vote.

Polling place to be designated.

(5) The returning officer shall enter in a list the name, residence and occupation of every person to whom he gives a certificate under this section, the polling place at which such person is under the certificate, authorized to vote, and the polling subdivision or polling place in or at which such person appears by the polling list to be entitled to vote and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent, and if as agent, the name of the candidate for whom he is agent, and the entry shall be made before the certificate is delivered.

Returning officer to keep a list of persons obtaining certificates.

(6) The returning officer shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal, and, if the last mentioned person claimed to be the agent of a candidate the name of the candidate, and the list shall be open to inspection by a candidate or by his agent or by a voter.

Entry of refusal of certificate.

(7) A returning officer shall not give certificates to more than two agents of the same candidate at one polling place and he shall not give a certificate under this section except upon the personal or written request of the applicant, and a returning officer who gives a certificate in contravention of this subsection shall incur a penalty of \$400.

Limitation of number of certificates to agents of candidates

On production of certificate of returning officer.

89.—(1) On the production of the certificate the voter shall have the right to vote at the polling place named therein; but the certificate shall not entitle a voter to vote there unless he has been actually engaged there as deputy returning officer, poll clerk, or agent during polling day, or entitle an agent to vote who is disqualified under section 13.

Person receiving a certificate to take oath of qualification before voting.

(2) A person who receives a certificate whether a deputy returning officer, poll clerk or agent, shall not vote until he has taken one or other of the oaths of qualification, and any person violating the provisions of this subsection shall incur a penalty of \$400; and every vote cast in contravention of this subsection shall be null and void.

Before whom oath to be taken.

(3) The oath shall be administered to a deputy returning officer by the poll clerk, and to a poll clerk or agent by the deputy returning officer.

Entry on list of persons voting under authority of a certificate.

(4) The deputy returning officer shall enter, or cause to be entered in the column for remarks in the poll book, Form 2, opposite the name, residence and occupation of every person, including himself if he so votes, voting under the authority of a certificate, the words "Voted under certificate."

Certificate to be delivered to Deputy Returning Officer by person voting.

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper.

Preservation.

(6) The deputy returning officer shall enclose all certificates in one envelope. 8 Edw. VII. c. 3, s. 90.

THE POLL.

Hours of voting.

90. The poll shall be opened at every polling place at nine o'clock in the forenoon, and shall be kept open until five in the afternoon of the same day. 8 Edw. VII. c. 3, s. 91, *part*.

Vote by ballot.

91. The votes shall be given by ballot. 8 Edw. VII. c. 3, s. 91, *part*.

Attendance of Deputy Returning Officer.

92.—(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

Counting ballots before opening of poll.

(2) During such fifteen minutes, agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll. 8 Edw. VII. c. 3, s. 92.

Deputy to shew box empty and lock and seal it.

93. The deputy returning officer shall, immediately before opening the poll, shew the ballot box to such persons as are present in the polling place, so that they may

see that it is empty; and he shall then lock the box, and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place and shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed. 8 Edw. VII. c. 3, s. 93.

94. Not more than one voter for each compartment shall at any one time enter the room where the poll is held, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. 8 Edw. VII. c. 3, s. 94

One voter only
for each com-
partment

95. Subject to the provisions of section 89, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person, where required by a candidate, or his agent, or by the deputy returning officer takes the oath hereinafter mentioned.

Persons on
polling list to
be allowed to
vote on taking
oath if re-
quired.

(a) The oath to be taken by a voter shall be according to Form 17, except in a city or town for which a list of manhood suffrage voters has been prepared on which the name of the person offering to vote is entered, in which case the oath shall be according to Form 18, and except in territory without municipal organization in which the voters' list was prepared under Part III. of *The Ontario Voters' Lists Act*, in which case the oath to be taken shall be according to Form 19. 8 Edw. VII. c. 3, s. 95, part.

Ordinary
oaths.

Rev. Stat.
c. 6.

96. If a deputy returning officer votes at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter. 8 Edw. VII. c. 3, s. 96.

Administration
of oath to
deputy return-
ing officer
voting at his
polling place.

97.—(1) Where a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether he has been required to do so or not.

When deputy
returning
officer to
swear voter.

(2) A deputy returning officer who acts in contravention of this section shall incur a penalty of \$200. 8 Edw. VII. c. 3, s. 97.

Penalty.

Deputy to put initials on back of ballot paper and number on counterfoil.

98. Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in Form 12 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. 8 Edw. VII. c. 3, s. 100.

Instructions to voter.

99. The deputy returning officer shall, upon request of the voter instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 100. 8 Edw. VII. c. 3, s. 101.

Voter incapacitated by blindness, etc.

100.—(1) The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the poll clerk and of the agents of the candidates, or of the voters representing the candidates in the polling place, and of no other person.

Oath.

(2) The deputy returning officer shall require the voter making such application, before voting, to take before him the oath, Form 20.

Entry in poll book.

(3) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name, the reason why such ballot paper was marked by him. 8 Edw. VII. c. 3, s. 102.

Voters who cannot speak English.

101.—(1) Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter, and his answers; and the interpreter shall take the oath following:—

"I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election: So help me God."

If no interpreter, no vote.

(2) If no such interpreter is found or presents himself at the polling place the voter shall not be allowed to vote. 8 Edw. VII. c. 3, s. 103.

Mode of marking, folding and depositing ballot paper.

102. The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place, and there mark his ballot paper, making a cross with a black lead pencil within the white space containing the name of the candidate, or within the white spaces containing the names of the candidates for whom he intends

to vote, and shall then fold the ballot paper so that the initials and stamp on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain, by examining his initials, and the stamp and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. 8 Edw. VII. c. 3, s. 104.

103. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do. 8 Edw. VII. c. 3, s. 98.

Entries to be made in poll book as to voters.

104.—(1) A person who has refused to take the oath when required so to do, shall not receive a ballot paper or vote; and the vote of such person if taken and received shall be null and void.

Voter refusing to be sworn.

(2) A deputy returning officer who receives such vote or causes the same to be received, shall incur a penalty of \$200. 8 Edw. VII. c. 3, s. 99.

Penalty for receiving such vote.

105. The voter shall vote without undue delay, and shall leave the polling place so soon as his ballot paper has been placed in the ballot box. 8 Edw. VII. c. 3, s. 105.

Voter to leave as soon as possible.

106. While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment, or to be in a position from which he can see for whom the voter marks his ballot paper. 8 Edw. VII. c. 3, s. 106.

Exclusion from balloting compartment.

107. A person who has received a ballot paper shall not take it out of the polling place; and a person who receives a ballot paper, and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot paper declining to vote, shall forfeit his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks, to the effect that such person received a ballot paper, but took it out of the polling place, or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot

Voter not to take his paper from polling place, etc.

paper, and shall preserve it to be returned to the returning officer. 8 Edw. VII. c. 3, s. 107.

Voter who alleges he has been personated.

108.—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath, and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Initials and number to be put on back.

(2) The deputy returning officer shall put on the back of the ballot paper his initials and a number corresponding to the number entered on the poll book opposite the name of the voter.

Name of voter, etc., to be entered in poll book.

(3) The name of the voter shall be entered on the poll book, and a note shall be made of his having voted on a second ballot paper, and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. 8 Edw. VII. c. 3, s. 108.

Where ballot paper accidentally spoilt.

109. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used, shall upon returning it to the deputy returning officer, be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "Cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer. 8 Edw. VII. c. 3, s. 109.

What shall be deemed a tender of a vote, and a voting.

110. A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted. 8 Edw. VII. c. 3, s. 110.

Who may be in polling place.

111.—(1) In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, not exceeding two in number for each candidate, and, in the absence of agents, two voters to represent each candidate on the request of such voters, and no others shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes.

Right of authorized agent.

(2) An agent bearing a written authorization from the candidate shall always be entitled to represent him in preference to, and to the exclusion of, any two voters who might otherwise claim the right of representing such candidate. 8 Edw. VII. c. 3, s. 111.

112. A voter entitled to vote within a city or town shall, on the day of polling be entitled to absent himself for the purpose of voting from any service or employment in which he is then engaged or employed, from the hour of noon until the hour of two of the clock next thereafter, and a voter shall not, because of his so absents himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled, but this section shall not apply where a voter is by his employer permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote. 8 Edw. VII. c. 3, s. 112.

Right of
employee to
time for
voting.

Proviso.

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

113. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus;—*The number of voters who voted at this election in this polling place is (stating the number),* and he shall sign his name thereto: then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. 8 Edw. VII. c. 3, s. 113.

Duties of Deputy
Returning
Officer after
close of poll.

114. In counting the votes the deputy returning officer shall reject all ballot papers, herein called "Rejected ballot papers,"

What ballot
papers to
be rejected
in counting
votes.

- (a) which have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or,
- (c) upon which there is any writing or mark by which the voter can be identified, other than the number placed thereon by the deputy returning officer in the case provided for by section 108;

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper, shall avoid the same or warrant its rejection. 8 Edw. VII. c. 3, s. 114.

115.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate, or his agent or a voter present, and shall decide the objection subject to review on recount or on petition questioning the election or return.

Objections to
be noted.

and numbered,
and initialed.

(2) Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the deputy returning officer. 8 Edw. VII. c. 3, s. 115.

How ballots to
be counted.

116.—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate, and of the number of rejected and cancelled ballot papers, and all the ballot papers indicating the votes given for each candidate respectively, shall be put into a separate envelope. 8 Edw. VII. c. 3, s. 116 (1); 2 Geo. V. c. 17, s. 1 (1).

Ballot papers
to be put into
parcels under
seal.

(2) All rejected, and unused ballot papers respectively, shall be put into separate envelopes, which shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. 8 Edw. VII. c. 3, s. 116 (2).

Statement of
result to be
made by depu-
ty returning
officer.

117.—(1) The deputy returning officer shall make out a statement in triplicate, Form 21, one part to remain attached to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box.

Signatures to
statement.

(2) The statement shall forthwith be signed by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present, and may desire to sign it.

Certificate of
result of poll.

(3) The deputy returning officer shall then deliver to each of the candidates, or to their agents, or, in the absence of the candidates and agents, to the voters present representing the candidates, a certificate, Form 22, of the number of ballots cast for each candidate, and of the number of rejected ballot papers; and he shall also, forthwith after the close of the poll, mail to each candidate, by registered post to his address stated in the ballot paper, a like certificate. 8 Edw. VII. c. 3, s. 117.

Oath of poll
clerk.

118. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the oath, Form 23. 8 Edw. VII. c. 3, s. 119; 2 Geo. V. c. 17, s. 1 (2).

Poll book, en-
velope, etc., to
be placed in
large envelope
in ballot box.

119. The poll book, the polling list, the envelopes containing the ballot papers, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. 8 Edw. VII. c. 3, s. 118.

120.—(1) The deputy returning officer shall then immediately lock and seal the box, and forthwith deliver it personally to the returning officer, and if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon or on a ticket attached thereto write the name of the person to whom the box has been delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him, the oath, Form 24.

Ballot box to be delivered to returning officer.

(2) Forthwith thereafter the deputy returning officer shall take and subscribe the oath, Form 25, and shall personally deliver or transmit it by registered post to the returning officer. 8 Edw. VII. c. 3, s. 120.

Oath of deputy returning officer.

121. The returning officer upon the receipt by him of any ballot box shall take every precaution for its safe keeping and for preventing any other person than himself and the election clerk from having access to it, and shall immediately on the receipt of each box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and without effacing or covering the seals affixed thereto. 8 Edw. VII. c. 3, s. 121.

Duty of returning officer on receipt of boxes.

122. The returning officer at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall open them, and the large envelope containing the poll books, but not any of the other sealed envelopes except the one containing the statement of the poll, and shall in the presence of the election clerk and of the candidates or their representatives if present add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. 8 Edw. VII. c. 3, s. 122.

Count by returning officer and declaration of result.

123. Where, on the addition of votes by the returning officer, an equality of votes is found to exist between any two or more candidates, and an additional vote would entitle any of them to be declared elected, the returning officer shall give the additional or casting vote. 8 Edw. VII. c. 3, s. 123.

Casting vote.

PROCEEDINGS IN CASE OF NON-RETURN OF BALLOT BOXES, ETC.

124. If the ballot boxes are not all returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed. 8 Edw. VII. c. 3, s. 124.

Adjournment of proceedings where ballot box not duly delivered.

Where default made by deputy returning officer in returning documents.

125. If any deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if for any other cause, the returning officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. 8 Edw. VII. c. 3, s. 125.

Disappearance of ballot boxes, duty of returning officer.

126. If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath. 8 Edw. VII. c. 3, s. 126.

Procedure by returning officer where lists, statements, etc., cannot be found.

127. If the statements and certificates, or any of them, or copies of them, cannot be procured, the returning officer shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the several polling places; and may summon any deputy returning officer, poll clerk, or other person, to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice; and the returning officer may examine on oath such deputy returning officer, poll clerk, or other person, respecting the matter in question. 8 Edw. VII. c. 3, s. 127.

When deputy returning officer has neglected to deliver statement of result.

128. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box, a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of such deputy returning officer, and shall have the powers conferred by the next preceding section. 8 Edw. VII. c. 3, s. 128.

Special report by returning officer.

129. The returning officer shall return the candidate having the largest number of votes, and shall mention specially, in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. 8 Edw. VII. c. 3, s. 129.

RECOUNT OR FINAL ADDITION BY COUNTY JUDGE.

130.—(1) If within four days after that on which the returning officer has made addition of the votes for the purpose of declaring any candidate elected, upon the application of a candidate or a voter, it is made to appear by affidavit to the Judge of the county court of the county in which the electoral district or any part of it is situate that a deputy returning officer has in counting the votes, Where recount may be had.

- (a) improperly counted any ballot paper,
- (b) improperly rejected any ballot paper,
- (c) made an incorrect statement of the number of ballots cast for any candidate, or
- (d) that the returning officer has improperly added up the votes,

and and if the applicant deposits within that time with the clerk of the county court the sum of \$100 in legal tender, or in the bills of any chartered bank doing business in Canada, as security for the costs, in connection with the recount or final addition, of the candidate appearing by the addition to be elected, the Judge may appoint a time and place to recount or finally add up the votes cast at the election. Deposit by applicant.

(2) Where an electoral district comprises parts of two or more counties the application shall be made to and the recount or final addition shall take place before the Judge of the county court of the county having the larger or largest population according to the last Dominion census. 8 Edw. VII. c. 3, s. 130. What judge to hold recount when district in two or more counties.

131. At least two days' notice in writing of the time and place appointed, shall be given to the candidates and to the returning officer and the election clerk, and the Judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer, and the election clerk, may be substitutional, or may be made by mail, or in such other manner as he thinks fit. 8 Edw. VII. c. 3, s. 131. Notice of time and place of recount.

132. The returning officer after the receipt of the notice shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the Judge of the result of the recount or final addition, and upon receipt of the certificate shall make his return. 8 Edw. VII. c. 3, s. 132. Returning officer to withhold return.

133. The Judge may require the clerk of the county court to be present at the time and place appointed. 8 Edw. VII. c. 3, s. 133. Presence of county court clerk.

Summoning officers to be present with documents.

134.—(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers, or the original statements of the poll, as the case may be.

Production and custody of ballot papers on a recount.

(2) The ballot papers and original statements shall continue in the custody of the returning officer, and he shall be responsible for them, subject to any direction which the Judge may give in respect thereto. 8 Edw. VII. c. 3, s. 134.

Who to be present at recount.

135.—(1) The returning officer and the election clerk shall be present at the recount or final addition, and each candidate shall be entitled to be represented by not more than three agents, and may himself be present.

If candidate not represented.

(2) Where a candidate is not represented, any three voters who declare their desire to attend on his behalf, shall be entitled to attend.

Authority of Judge.

(3) Except with the sanction of the Judge, no other person shall be present. 8 Edw. VII. c. 3, s. 135.

Procedure by Judge.

136. At the time and place appointed, and in the presence of such of the persons mentioned in the next preceding section as are present, the Judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing

- (a) the used ballot papers which have been counted,
- (b) the rejected ballot papers,
- (c) the cancelled ballot papers,
- (d) the declined ballot papers,
- (e) the unused ballot papers.

8 Edw. VII. c. 3, s. 136.

Recount to be proceeded with continuously.

137.—(1) The Judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

Care of documents during proceedings.

(2) During such excluded time and time for refreshment the Judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. 8 Edw. VII. c. 3, s. 137.

138. The Judge shall, in the case of a recount, proceed according to the rules for the counting of the ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll, Form 21. 8 Edw. VII. c. 3, s. 138.

Rules to govern Judge in proceedings.

139.—(1) Upon the completion of the recount the Judge shall seal up all the ballot papers in their separate envelopes, and upon the completion of a final addition he shall seal up the original statements in their respective envelopes.

Sealing up ballots at close of recount.

(2) Where either party requests him to do so the Judge shall number on the back the disputed ballots and enclose them in a separate envelope. 8 Edw. VII. c. 3, s. 139.

Distinguishing disputed ballots.

140.—(1) The Judge shall if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper statements or papers were not found therein.

Reviewing decision of Returning Officer when ballot box or documents missing.

(2) For the purpose of arriving at the facts, the Judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. 8 Edw. VII. c. 3, s. 140.

Powers of Judge.

141.—(1) The Judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided.

When Judge to send in certificate.

(2) If no notice of appeal is given to the Judge within two days after the completion of the recount or final addition, the Judge shall certify the result to the returning officer forthwith, who shall then forthwith declare to be elected the candidate having the largest number of votes.

When declaration of result to be given.

(3) In case of an equality of votes, the returning officer shall give the casting vote. 8 Edw. VII. c. 3, s. 141.

Casting vote if Judge certifies equality of votes.

142.—(1) The costs of the recount or final addition shall be in the discretion of the Judge who may order by whom, to whom, and in what manner the same shall be paid.

Costs.

(2) The Judge shall tax the costs, and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the county court. 8 Edw. VII. c. 3, s. 142.

Taxing and allowing costs.

143. Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary,

Deposit, disposal of.

Recovery of costs if deposit not sufficient.

and if the deposit is insufficient, execution may issue out of the county court upon the Judge's order for the balance. 8 Edw. VII. c. 3, s. 143.

Appeal from Decision on Recount or Final Addition.

Appeal from decision of Judge on recount.

144.—(1) If a party desires to appeal from the decision of the Judge he may do so on giving notice in writing to the opposite party and to the Judge of his intention to appeal within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots.

Service of notice of appeal.

(2) The notice may be served upon the opposite party personally, or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a Judge of a Divisional Court may direct.

Ballots, etc., to be forwarded to Registrar of Appellate Division.

(3) Where the appeal is limited, the Judge of the county court shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the Registrar of the Appellate Division, but if the appeal is not limited the Judge shall forward all the ballot papers and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

Allowing copy of certificate of Judge.

(4) The Judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar of the Appellate Division.

Appointment for hearing of appeal.

(5) On receipt of the ballot papers and notice the Registrar shall forthwith obtain an appointment from a Judge of a Divisional Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

When appeal may be heard.

(6) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

Procedure on hearing of appeal: certificate of result.

(7) At the time appointed the Judge of the Divisional Court shall recount the ballot papers or such of them as are the subject of appeal, or review the final addition as the case may be, and shall forthwith certify his decision to the Judge of the county court, whose duty it shall be to conform to the decision, and to certify the result without delay to the returning officer.

Costs of appeal.

(8) The Judge of the Divisional Court may direct by and to whom the costs of the appeal shall be paid. 8 Edw. VII. c. 3, s. 144.

ELECTION RETURN.

145.—(1) The returning officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a Judge for the purpose of a recount or final addition of the votes given at the election, and where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return, Form 26, to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof.

When return
to be made

(2) The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. 8 Edw. VI. c. 3, s. 145.

Report by
Returning
Officer.

146.—(1) The returning officer shall at the same time transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering, sealed with the seal of the returning officer the writ, the stamp furnished him for stamping the ballot papers, the list mentioned in subsection 5 of section 88, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers.

Returning
Officer to
transmit to
Clerk of the
Crown in
Chancery
the ballot
papers, etc.

(2) The returning officer shall endorse on the package a description of its contents, and the date of the election to which they relate, and also the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election.

Endorsement
thereon.

(3) The package shall be sent by express or by registered post.

How to be
sent.

(4) An affidavit, Form 27, shall be made by the Returning Officer forthwith after transmitting his return, and shall be forthwith transmitted by him to the Clerk of the Crown in Chancery, by registered post. 8 Edw. VII. c. 3, s. 146.

Oath of Re-
turning Officer
after transmit-
ting return.

FAILURE TO MAKE RETURN.

147.—(1) If a returning officer wilfully delays, neglects or refuses,

Application to
compel return-
ing officer to
add up votes,
make returns,
etc.

(a) to add up the votes,

(b) to declare to be elected the candidate having the largest number of votes,

(c) to give his casting vote where he is by law required to do so, or

(d) to make the return as required by this Act of the candidate having the largest number of votes,

the person aggrieved or any voter who voted at the election may apply to a Judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty which he is shown to have omitted.

Notice of application.

(2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.

Application of Rev. Stat. c. 56 and rules.

(3) In other respects the provisions of *The Judicature Act* and of the Rules made thereunder shall apply to such application.

Other rights and remedies.

(4) Nothing in this section shall affect or impair any other right or remedy of the person aggrieved. 8 Edw. VII. c. 3, s. 147.

PUBLICATION OF RETURN.

Notice of return in *Ontario Gazette*.

148. The Clerk of the Crown in Chancery shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of the *Ontario Gazette*, notice of the receipt of the return, the date of such receipt, and the name of the candidate elected. 8 Edw. VII. c. 3, s. 148.

CUSTODY OF ELECTION PAPERS.

How long to be retained and when to be destroyed.

149.—(1) The Clerk of the Crown in Chancery shall, subject to the provisions of this Act, retain in his possession the documents transmitted to him by a returning officer, under section 146, for at least one year, and, if the election is contested, then for one year after the termination of the contestation, and shall then destroy them by fire.

How to be kept by Clerk of the Crown in Chancery.

(2) The Clerk of the Crown in Chancery shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to by-elections are kept.

Marking boxes when not to be destroyed.

(3) If notice of the presentation of a petition is received by the Clerk of the Crown in Chancery or, if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon, in large and distinct letters the words "Not to be destroyed." 8 Edw. VII. c. 3, s. 149.

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection of other documents.

150. All documents forwarded by a returning officer in pursuance of this Act, to the Clerk of the Crown in Chancery,

other than ballot papers, shall be open to public inspection, at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery with the approval of the Speaker of the Assembly; and the Clerk of the Crown in Chancery shall supply copies of or extracts from the documents to any person demanding the same, on payment at the rate of ten cents for each one hundred words, and in computing the number of words a figure shall be counted as a word. 8 Edw. VII. c. 3, s. 150.

151.—(1) No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Crown in Chancery except under an order of a Judge of the Supreme Court. Inspection to be under order of Judge.

(2) The order may be made on the Judge being satisfied by affidavit or other evidence on oath that the inspection or production of such ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return. When order to be granted.

(3) The order may be made subject to such conditions as the Judge may think proper. Conditions of order.

(4) Subject to the provisions of the order, the inspection shall take place under the immediate supervision of the Registrar of the Appellate Division at his office in Osgoode Hall and he shall be present during the inspection, and so long as the ballot papers are in the custody of the Registrar and not under inspection, they shall be kept in a secure place under lock and key. 8 Edw. VII. c. 3, s. 151. Where inspection to take place.

152. Where an order is made by a Judge of the Supreme Court for the production by the Clerk of the Crown in Chancery of any document in his possession relating to an election, the production of it by the Clerk or his agent, in such manner as may be directed by the order, shall be evidence that the document relates to the election; and any endorsement appearing on any envelope containing ballot papers so produced, shall be evidence that the contents are what they are stated to be by the endorsement. 8 Edw. VII. c. 3, s. 152. Evidence as to documents, ballot papers, etc., in certain cases.

PRESERVATION OF THE PEACE.

153. A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall be a conservator of the peace, and shall be invested with all the powers appertaining to a justice of the peace. 8 Edw. VII. c. 3, s. 153. Powers of Returning Officers and Deputy Returning Officers.

154. A returning officer and a deputy returning officer may require the assistance of justices of the peace, constables and other persons, to aid him in maintaining peace and good order. 12—s. Assistance by justices and constables.

order at the election and may also swear in as many special constables as he may deem necessary. 8 Edw. VII. c. 3, s. 154.

Special constables.

155. On a requisition in writing made by a candidate or by his agent, or by two or more voters, a returning officer or deputy returning officer shall swear in as many special constables as may be necessary. 8 Edw. VII. c. 3, s. 155.

Arrest and imprisonment on verbal order.

156. A returning officer or deputy returning officer may arrest or by verbal order cause to be arrested, and placed in the custody of any constable or other person, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll as the case may be. 8 Edw. VII. c. 3, s. 156.

Requiring delivery up of weapons on nomination and polling days.

157. A returning officer or deputy returning officer may, during the nomination day and polling day, require any person within half a mile of a place of nomination or of a polling place to deliver to him any firearm, sword, or offensive weapon in the hands or personal possession of such person. 8 Edw. VII. c. 3, s. 157.

Armed persons not to come within one mile of nomination or polling place.

158. Except peace officers and the returning officer, the election clerk, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the nomination or poll, and the preservation of the public peace thereat, no person shall approach within the distance of one mile of a place of nomination, or of a polling place armed with any firearm, sword, or offensive weapon, unless called upon so to do by lawful authority. 8 Edw. VII. c. 3, s. 158.

Supply or use of party flags, etc., prohibited.

159.—(1) No person shall furnish or supply

(a) any ensign, standard, set of colours or other flag, or

(b) any ribbon, label or like favour

to or for any person with intent that it shall be carried, used or worn in the electoral district on polling day or within eight days before such day or during the continuance of the election by any person as a party flag or badge to distinguish the bearer or wearer and those who follow such party flag or badge as the supporters of any candidate or of the political or other opinions entertained or supposed to be entertained by a candidate.

Carrying party flags, badges, etc.

(2) No person shall carry, use or wear

(a) any ensign, standard, set of colours or other flag or

(b) any ribbon, label or like favour

as a party flag or badge within the electoral district on nomination day or polling day or within eight days before such

last mentioned day or during the continuance of the election.
8 Edw. VII. c. 3, s. 159.

SECRECY OF PROCEEDINGS.

160.—(1) Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting. Maintaining secrecy of proceedings.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted. Interference with voters.

(3) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted. 8 Edw. VII. c. 3, s. 160. Communicating information as to how voter is voting.

161. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for whom he has voted. 8 Edw. VII. c. 3, s. 161. Inducing voter to display ballot after marking.

162. No person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling place under the provisions of section 108, except to a Court or Judge lawfully requiring him so to do, or attempt to ascertain at the counting of the votes the number on the back of any such ballot paper. 8 Edw. VII. c. 3, s. 162. Communicating information as to number on back of ballot.

163. Subject to the provisions of section 100 a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known. 8 Edw. VII. c. 3, s. 163. Voter not to display marked ballot.

164. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy, Form 28. 8 Edw. VII. c. 3, s. 164. Oath of secrecy.

165.—(1) If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated he shall communicate the particulars, with all convenient speed, to the Crown Attorney. Proceedings where officers aware of violation of secrecy.

(2) The Crown Attorney shall on receiving such information from such officer or from any other person forthwith enquire into the case and if proper prosecute the offender. 8 Edw. VII. c. 3, s. 105. Duty of Crown Attorney thereon.

No one compellable to disclose his vote.

166. A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted. 8 Edw. VII. c. 3, s. 166.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

Bribery, who guilty of.

167.—(1) Every person who,

Bribing voter or procuring bribery by money.

(a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election,

By gift or offer or promise of employment.

(b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election,

To induce anyone to procure return of candidate.

(c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly, or the vote of any voter at an election,

Receiving bribe to procure return of candidate.

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Assembly, or the vote of any voter at an election,

Advancing money to be spent in corrupt practices.

(e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election,

- (f) directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment, Applying for money or employment in consideration of voting.
- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election, Receiving money, office, etc., for having voted.
- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election, Receiving money corruptly after election.
- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person, or Giving or promising office to induce candidate to stand or withdraw.
- (j) in order to induce a person to withdraw from being a candidate at an election, directly or indirectly gives or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or to any other person, Bribing candidate to retire.

shall be guilty of bribery, and shall incur a penalty of \$200 Penalty. and shall also on conviction be imprisoned for a term of six months. 8 Edw. VII. c. 3, s. 167 (1); 3-4 Geo. V. c. 5, s. 1.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be Saving as to personal expenses of candidates.

deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Saving as to
distribution
of political
literature.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature; or the sending or causing to be sent to voters by a candidate or his agent, newspapers containing political articles, reports of political meetings or other matters of public interest during such election or for a reasonable time prior thereto shall not be deemed corrupt or illegal acts or a contravention of this Act. 8 Edw. VII. c. 3, s. 167 (2), (3).

Furnishing
meat, drink,
etc., forbidden,
except at resi-
dence of the
person fur-
nishing.

168.—(1) A candidate shall not nor shall any other person, provide or furnish meat, drink, refreshment or provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election, previous to or during the election, or pay or promise or engage to pay therefor; but nothing herein contained shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where such residence is a private house.

Penalty.

(2) Every person offending against the provisions of this section shall be guilty of a corrupt practice and shall incur a penalty of \$100. 8 Edw. VII. c. 3, s. 168.

Treating.

169.—(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty of \$200 in addition to any other penalty to which he may be liable therefor.

Giving re-
freshments
prima facie
evidence of a
corrupt prac-
tice.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally, by a candidate, or by his agent, or the taking part therein by either of them, or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section.

Habit of
treating not
sufficient
answer.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. 8 Edw. VII. c. 3, s. 169.

Candidate
betting.

170.—(1) A candidate who, before or during the election makes a bet or wager, or takes a share or interest in, or in

any manner becomes a party to, a bet or wager, upon the result of the election in the electoral district or in any part thereof or on any event or contingency relating to the election, shall be guilty of a corrupt practice.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral district or in any part thereof, or on any event or contingency relating to the election, shall be guilty of a corrupt practice. Providing money for betting.

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice. 8 Edw. VII. c. 3, s. 170. Other persons.

171.—(1) A candidate who himself or by any other person on his behalf and every other person who:— Hiring conveyances to carry voters to poll.

(a) hires or promises to pay or pays for a conveyance to carry a voter to, or near or from or on the way to or from a polling place; or

(b) pays the travelling or other expenses of a voter in going to or returning from a polling place

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer, to or near or from or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause (e) of subsection 2 of section 204. Exception.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter, to or near or from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election. Furnishing transportation to voters.

(3) "Conveyance," for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. Hiring teams etc.
8 Edw. VII. c. 3, s. 171.

172. The giving or causing to be given to a voter on the nomination day or on polling day on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, shall be a corrupt practice, and the person so offending shall incur a penalty of \$10. 8 Edw. VII. c. 3, s. 172. Providing refreshments on nomination day or polling day.

Undue
influence.

173.—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall incur a penalty of \$200, and shall also upon conviction be imprisoned for one year.

Penalty.

Pretence that
ballot is not
secret.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. 8 Edw. VII. c. 3, s. 173.

Personation.

174.—(1) A person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election, shall be guilty of the offence of personation.

Penalty.

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. 8 Edw. VII. c. 3, s. 174.

Procuring
appointment
as deputy re-
turning officer
or poll clerk
by fraud.

175. A person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or who acts as deputy returning officer without lawful authority shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. 8 Edw. VII. c. 3, s. 175.

Appointing
persons as
election officers
who have been
guilty of cor-
rupt practices.

176. A person who knowingly appoints an election clerk, a deputy returning officer or a poll clerk, who has at any time been found guilty by a competent tribunal of a corrupt practice or reported by an Election Court for a corrupt practice shall be guilty of a corrupt practice and shall incur a penalty of \$400. 8 Edw. VII. c. 3, s. 176.

Voting by per-
sons not
entitled to vote
to be a corrupt
practice.

177. A person who votes knowing that he has no right to vote, and a person who induces or procures any other person to vote, knowing that such other person has no right to vote, shall be guilty of a corrupt practice, and shall incur a penalty of \$200. 8 Edw. VII. c. 3, s. 177.

178. A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a penalty of \$100, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. 8 Edw. VII. c. 3, s. 178.

Publishing false statement of withdrawal of candidate.

CONSEQUENCES OF CORRUPT PRACTICES.

179. If an Election Court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate shall, except in the case mentioned in section 180, be void. 8 Edw. VII. c. 3, s. 179.

Corrupt practices by candidate or his agent to avoid election.

180. If the Election Court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds that,

When Court finds candidate not personally guilty and result not affected.

- (a) no corrupt practice was committed at such election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate,
- (b) the candidate took all reasonable means for preventing the commission of corrupt practices at such election,
- (c) the corrupt practice was of a trivial, unimportant and limited character, and that
- (d) in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and of his agent,

then the election of the candidate shall not, by reason of the corrupt practice be void. 8 Edw. VII. c. 3, s. 180.

181. No candidate or other person shall be disqualified or subject to any disability or penalty for a corrupt practice, except upon the judgment of an Election Court. 8 Edw. VII. c. 3, s. 181.

When disqualification incurred.

182.—(1) Subject to the provisions of subsection 2 where an Election Court determines and reports that a corrupt practice has been committed, by or with the actual knowledge and consent of a candidate, then in addition to his election, if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, shall be incapable of being elected to and

Candidate guilty of corrupt practice disqualified for eight years.

of sitting in the Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor or any municipal office.

Saving where corrupt practice committed in excusable ignorance.

(2) If the Election Court or one of the Judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance which was involuntary and excusable, and that the evidence shewed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under the next preceding subsection. 8 Edw. VII. c. 3, s. 182.

Disqualification of persons other than candidates.

183.—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor, unless such finding and report have been reversed or set aside on appeal under *The Ontario Controverted Elections Act* shall, during the eight years next after the date of his being found guilty, be subject to the penalties and disabilities mentioned in section 182.

Rev. Stat. c. 10.

Exemptions.

(2) No person shall be subject to the penalties and disabilities referred to in subsection 1 by reason of,

(a) a mere technical breach of law, or

(b) an act not being an intentional violation of law.

8 Edw. VII. c. 3, s. 183.

Appeal.

184. Where the Judges who constitute the Election Court disagree as to a corrupt practice having been committed by a candidate or his agent there may be an appeal as provided by *The Ontario Controverted Elections Act*, and if the Divisional Court determines that a corrupt practice was committed, then unless the court is of opinion that the case falls within section 180 the election shall be void, but the candidate shall not be disqualified. 8 Edw. VII. c. 3, s. 184.

Rev. Stat. c. 10.

Where second election held as result of protest. Effect of corrupt practices at first election.

185. If an election is set aside and a second election had the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent, but the new election shall not be

avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the Election Court as by law to involve the penalties and disabilities mentioned in section 182. 8 Edw. VII. c. 3, s. 185.

186. If on the trial of an election petition a candidate or his agent is proved to have committed a corrupt practice with respect to a voter, there shall be struck off from the number of votes given for such candidate one vote for each voter in respect to whom the corrupt practice is proved to have been committed. 8 Edw. VII. c. 3, s. 186.

Votes to be struck off on scrutiny when corrupt practice is proved.

187. If on the trial of an election petition, a candidate is proved to have personally engaged any person, as a canvasser or agent, knowing that he has, within eight years previous to such engagement, been found guilty by a competent tribunal of or reported by an Election Court for a corrupt practice, the election of such candidate shall be void. 8 Edw. VII. c. 3, s. 187.

Election of candidate to be void for employing agent previously found guilty of corrupt practice

188. If, at any time after a person has become disqualified, the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony, a Divisional Court upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. 8 Edw. VII. c. 3, s. 188.

Removal of disqualification on proof that disqualification was procured by perjury.

189. Every executory contract, promise or undertaking, in any way referring to, arising out of, or depending upon an election, even for the payment of lawful expenses, or the doing of a lawful act, shall be void. 8 Edw. VII. c. 3, s. 189.

Executory contracts arising out of elections to be void.

190. No pecuniary penalty or forfeiture, shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice; but this provision shall not apply if the Court or Judge, before whom the person claiming the benefit thereof is charged, certifies that it clearly appears that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. 8 Edw. VII. c. 3, s. 190.

No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable.

Proviso.

OFFENCES AND PENALTIES.

GENERAL.

Returning Officers, etc., wilfully falsifying or altering list of voters to incur penalty.

191. A returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters' polling list or poll book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt practice and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. 8 Edw. VII. c. 3, s. 191.

Offences relating to ballot papers.

192. Every person who—

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) without authority supplies a ballot paper to any person; or
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) fraudulently takes a ballot paper out of the polling place; or
- (f) without authority, destroys, take, opens, or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) uses the authorized stamp for any purpose other than the stamping of ballot papers, or, not being a returning officer, has in his possession any such stamp or any counterfeit or imitation thereof; or
- (h) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) being authorized by the returning officer to print the ballot papers for an election, with fraudulent

intent prints more ballot papers than he is authorized to print; or

- (k) attempts to commit any offence mentioned in this section,

shall be guilty of a corrupt practice and in the case of a returning officer, deputy returning officer or other officer engaged in the election, shall on conviction be liable to imprisonment for three years, and, in the case of any other person, shall on conviction be liable to imprisonment for one year. 8 Edw. VII. c. 3, s. 192.

193.—(1) A person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, or a return to a writ of election, or a poll book, voters' list, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall be guilty of a corrupt practice, and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) A person who aids, abets, counsels or procures the commission of a violation of the next preceding subsection shall be guilty of a corrupt practice and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. 8 Edw. VII. c. 3, s. 193.

Abettors punishable.

194.—(1) A deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purpose of an election, shall incur a penalty of \$20 in respect of every such ballot paper.

Penalty for deputy returning officer omitting to initial ballots.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 113 to 120 shall, for each refusal or neglect, incur a penalty of \$200. 8 Edw. VII. c. 3, s. 194.

Deputy returning officer or poll clerk neglecting duties.

195. A deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200. 8 Edw. VII. c. 3, s. 195.

Wilful misconduct in counting ballots, etc.

196. A person who upon demand refuses to deliver up to a returning officer or deputy returning officer, any weapon as provided in section 157, shall incur a penalty of \$20. 8 Edw. VII. c. 3, s. 196.

Penalty for refusing to give up arms.

197. A person offending against any of the provisions of sections 158 and 159 shall incur a penalty not exceeding \$100. 8 Edw. VII. c. 3, s. 197.

Penalty for carrying arms, badges, etc.

Penalty for
violating
secrecy

198. A person who acts in contravention of sections 160, 161, 162, or 163 shall be liable, on conviction, to imprisonment for any term not exceeding six months. 8 Edw. VII. c. 3, s. 198.

Penalty to
person
aggrieved.

199. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act, shall in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby the sum of \$400. 8 Edw. VII. c. 3, s. 199.

How penalties
under Act
recoverable.

200. Subject to the provisions of *The Ontario Controverted Elections Act*, and except as herein otherwise provided,—

(a) all pecuniary penalties imposed by this Act for offences not declared to be corrupt practices, and for offences not punishable by imprisonment alone, or in addition to a pecuniary penalty or fine, shall be recoverable by any one who sues for the same in any court of competent jurisdiction; and the Court shall order that in default of payment of the amount which the offender is condemned to pay, within the period fixed by the Court, he shall be imprisoned for a term in the discretion of the Court not exceeding one year unless the penalty and costs are sooner paid;

Statement of
plaintiff's
claim.

(b) it shall be sufficient for the plaintiff, in any such action, to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act:

Limitation of
actions, mode
of trial.

(c) the action shall be commenced within one year next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a Judge without a jury. 8 Edw. VII. c. 3, s. 200.

Prosecutions
for corrupt
practices
punishable by
imprisonment.

201. Prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an Election Court in the manner provided by *The Ontario Controverted Elections Act*. 8 Edw. VII. c. 3, s. 201.

Rev. Stat.
c. 10.

Writ, etc.,
need not be
produced at
trial.

202. In any proceeding under sections 200 and 201, it shall not be necessary on the trial to produce the writ of election or the return thereto, or the authority of the

returning officer founded upon the writ of election but general evidence shall be sufficient. 8 Edw. VII. c. 3, s. 202.

ELECTION EXPENSES.

203.—(1) Every candidate shall appoint an official agent Appointment of official agent. whose name and address shall be declared in writing to the returning officer, on or before the nomination day.

(2) In the event of the death or incapacity of an official agent, the candidate shall forthwith appoint another official agent in his place, and give notice to the returning officer of the name and address of the person appointed, which shall be forthwith published by the returning officer at the expense of the candidate in the manner provided by section 59. 8 Edw. VII. c. 3, s. 203. On death or incapacity of an agent, appointment of another.

204.—(1) No payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent. Payments not to be made except through official agent.

(2) "Personal expenses" when used in this section shall include the following expenses, and payment therefor may lawfully be made by the candidate personally:— "Personal expenses of candidate," what to include.

- (a) reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning the same;
- (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
- (d) reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral district, and reasonable and ordinary charges for the services and maintenance of a driver;
- (e) reasonable and ordinary charges for use by the candidate personally of not more than one conveyance, and the services of a driver, on the polling day.

Onus probandi.

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation, shall be upon the candidate.

Receipt of ordinary and reasonable charges when not to disqualify voter.

(4) The contracting for or the receipt of the ordinary and reasonable charges,

(a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election, or

(b) by a printer for printing voters' lists, election addresses or advertisements or notices of election meetings, or

(c) by a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election, and not for carrying voters otherwise than by the candidate as provided by clause (e) of subsection 2,

shall be lawful and shall not disqualify him from voting
8 Edw. VII. c. 3, s. 204.

Claims on candidate in respect of any election, when to be sent in to agent.

205.—(1) Every person who has any claim against a candidate for or in respect to an election, shall send in such claim within one month from the day of the declaration of the result of the election, to the official agent of the candidate, otherwise he shall be barred of his right to recover the same.

Case of death of person making claim.

(2) In case of the death within such month of any person having such claim, his legal representative shall send it in, within one month after probate, or administration has been obtained otherwise the right to recover the same shall be barred.

Case of death of agent.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed such claim may be sent in or delivered to the candidate.

Agent not to pay without authority of candidate.

(4) No such claim shall be paid without the authority of the candidate, and the approval of the official agent.
8 Edw. VII. c. 3, s. 205.

Payment of lawful accounts rendered after one month from election.

206.—(1) Notwithstanding anything in the next preceding section contained, any claim which would have been payable if sent in within one month of the day of the declaration, may be paid by the candidate through his official agent after that time, if such claim is approved by a Judge of the Supreme Court, or by the Judge of the county court of a county in which the electoral district or some part of it is situate.

(2) All claims allowed by a Judge shall, within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. 8 Edw. VII. c. 3, s. 206.

207.—(1) A detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of two months, then within one month after such claim has been sent in, be made out and signed by the official agent, who has paid the same, or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Statement of election expenses, etc., to be sent by agent to Returning Officers.

(2) The returning officer within fourteen days after receiving the statement, shall publish at the expense of the candidate an abstract thereof, in a newspaper published or circulating in the electoral district.

Abstract thereof to be published.

(3) An agent or candidate who makes default in delivering the statement to the returning officer, shall incur a penalty not exceeding \$25 for every day during which he so makes default;

Penalty for default in delivering statement.

(4) An agent or candidate who wilfully furnishes to the returning officer an untrue statement shall incur a penalty of \$400. 8 Edw. VII. c. 3, s. 207.

Penalty for false statement.

208. The returning officer shall preserve all such bills and vouchers, and shall during the six months next after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents. 8 Edw. VII. c. 3, s. 208.

Returning Officer to preserve bills, etc., and allow inspection.

FEEES AND EXPENSES OF RETURNING OFFICERS, ETC.

209.—(1) The fees and expenses in Schedule B mentioned shall be allowed to the officers therein mentioned for their services and disbursements in respect of the matters in the said Schedule specified.

Tariff of fees.

(2) In addition to such fees and expenses there shall be allowed to the returning officers and other officers and clerks employed at the election the actual expenses incurred for printing, postage and the transmission of anything required to be transmitted and reasonable fees and allowances for other services rendered under this Act.

Payment of fees and expenses of Returning Officers.

(3) Such fees, expenses and disbursements shall be taxed by the Auditor of Criminal Justice Accounts at Toronto, or such officer as may be designated for that purpose by the Lieutenant-Governor and the amount certified by him

Taxation of fees.

shall be paid to the returning officer by the Treasurer of Ontario out of the Consolidated Revenue Fund and shall be disbursed by the returning officer to the officers and persons entitled to the same and he shall account therefor and report to the Provincial Secretary. 8 Edw. VII. c. 3, s. 209.

Additional
allowances in
certain cases.

210. The Lieutenant-Governor in Council may make regulations providing for the remuneration of the returning officers for services under sections 124 to 129, and for the payment to the returning officer for any electoral district specified in such regulations in which the conduct of the election is attended with special difficulties owing to the remoteness of the polling places, the difficulty of transportation or the extent of the territory comprised in the electoral district of such additional amount as may be deemed just and reasonable. 8 Edw. VII. c. 3, s. 210.

SCHEDULE A.

FORM 1.

(Referred to in Section 25 (1).)

To be put up at all Polling Places.

NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Ontario Election Act*, it is further provided, that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or shall attempt to do so; and that any Returning Officer, Deputy Returning Officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years, and any other person guilty of such violation to imprisonment for one year. (*Section 192.*)

The said Act further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved thereby the sum of \$400. (*Section 199.*)

A. B.,

Clerk of the Crown in Chancery.

8 Edw. VII. c. 3, Form 1.

FORM 2.

(See Sections 26, 39.)

FORM OF POLL BOOK.

Consecutive Number.	NAMES OF VOTERS.	Place of Residence.	Occupation.	Objections.	Sworn or affirmed.	Refused to swear or affirm or to answer.	Marks indicating that Voter has voted.	REMARKS.

Note.—Where there are separate seats for an Electoral District there shall be additional columns for marks indicating that the voter has voted, and the heading of each column shall designate the seat.

FORM 3.

(Referred to in Section 36.)

OATH OF RETURNING OFFICER.

I, A. B., Returning Officer for the Electoral District of _____, swear (or solemnly affirm) that I am legally qualified to act as Returning Officer for the said Electoral District, and that I will act faithfully in that capacity, without partiality, fear, favour or affection: So help me God.

Sworn (or affirmed) before me at
the _____ of this
day of _____, 19 ____.

A Commissioner, etc.
(or as the case may be).
See section 6.

A. B.,
Returning Officer

8 Edw. VII. c. 3, Form 3.

FORM 4.

(Referred to in Section 37.)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND PLACE FOR THE NOMINATION OF CANDIDATES, AND THE DAY FOR OPENING THE POLL.

PROCLAMATION.

Electoral District of _____

Public Notice is hereby given that in obedience to His Majesty's Writ to me directed, and bearing date the _____ day of _____, 19 ____, I require the presence of the voters at the Town Hall or (as the case may be), in the County (or Township, or City, or Town) of _____ on the _____ day of _____, 19 ____, from noon until two o'clock in the afternoon, for the purpose of nominating a person (or persons, as the case may be) to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the _____ day of _____, 19 ____, from the hour of nine o'clock in the forenoon until five o'clock in the afternoon as follows:—

For the polling subdivision No. 1, consisting of (or bounded as follows:—or otherwise describing it clearly) at _____ (describing the polling place and so continuing for all the other polling subdivisions and polling places in the electoral district).

And further, that at (describe place where votes will be added up) on the _____ day of _____ at the hour of _____, I shall open the ballot boxes, add up the votes given for the several candidates and declare to be elected the one (or as the case may be) having the largest number of votes.

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

God Save the King.

Given under my hand at _____, this _____ day of _____, in the year 19 ____.

A. B.,
Returning Officer.

8 Edw. VII. c. 3, Form 4.

FORM 5.

(Referred to in Section 43 (1).)

COMMISSION OF ELECTION CLERK.

To *E. F.* (*set forth his residence and occupation*).

In my capacity of Returning Officer for the Electoral District of _____, I hereby appoint you to be my Election Clerk, to act in that capacity at the approaching election for the said Electoral District, which election will be opened by me on the day of _____, 19____, (*the date to be inserted here is the day of nomination*).

Given under my hand this
19____.

day of _____,

A. B.,
Returning Officer.

8 Edw. VII. c. 3, Form 5.

FORM 6.

(Referred to in Section 44.)

OATH OF ELECTION CLERK.

I, *E. F.*, appointed Election Clerk for the Electoral District of _____, swear (*or solemnly affirm*) that I am legally qualified to act as Election Clerk and that I will act faithfully in that capacity and also in that of Returning Officer, if required to act in that capacity, without partiality, fear, favour or affection: So help me God.

Sworn (*or affirmed*) before me at
the _____ of this
day of _____, 19____.
A Commissioner, etc.
(*or as the case may be*).
See section 6.

E. F.,
Election Clerk.

8 Edw. VII. c. 3, Form 6.

FORM 7.

(Referred to in Section 56.)

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE TO BE
READ ON NOMINATION DAY.

OYEZ! OYEZ! OYEZ!

All persons are commanded and strictly enjoined to keep silence while His Majesty's Writ for the present Election is publicly read.

God Save the King.

8 Edw. VII. c. 3, Form 7.

FORM 8.

(Referred to in Section 60.)

WITHDRAWAL OF CANDIDATE.

(Electoral District of _____)
 I, _____, a candidate nominated for the above
 electoral district hereby withdraw.

Dated at _____, this _____ day of _____, 19 ____.

.....
 Candidate.

Witness.

8 Edw. VII. c. 3, Form 8.

FORM 9.

(Referred to in Section 63.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To G. H. (Insert his residence and occupation).

In my capacity of Returning Officer for the Electoral District
 of _____ I hereby appoint you to
 be Deputy Returning Officer for Polling Place No. _____,
 of the Township (or as the case may be) of _____
 in the said Electoral District, there to take the votes of the
 voters and you are hereby authorized and required to open and
 hold the poll at the said Polling Place on the
 day of _____, 19 ____, at nine o'clock in the forenoon, at
 (here describe particularly the place in which the poll is to be
 held), and there to keep the said poll open during the hours pre-
 scribed by law, and to do and perform in such polling place all
 acts and duties required to be performed by the Deputy Return-
 ing Officer appointed to act therefor, and after counting the votes
 given, to return to me forthwith the ballot box sealed with your
 seal and enclosing the ballots, envelopes, polling list, and other
 documents required by law, together with this Commission.

Given under my hand this _____ day of _____, 19 ____.

A. B.,
 Returning Officer.

8 Edw. VII. c. 3, Form 9.

FORM 10.

(Referred to in Section 64.)

OATH OF DEPUTY RETURNING OFFICER.

I, *G. H.*, appointed Deputy Returning Officer for Polling Place No. , of the Township (or as the case may be) of , swear (or solemnly affirm) that I am legally qualified to act as Deputy Returning Officer and that I will act faithfully, in that capacity, without partiality, fear, favour or affection: So help me God.

Sworn (or affirmed) before me at
 the of this
 day of , 19 .
 A Commissioner, etc.
 (or as the case may be).
 See section 6. } *G. H.*,
 Deputy Returning Officer.

8 Edw. VII. c. 3, Form 10.

FORM 11.

(Referred to in Section 70 (9).)

AFFIDAVIT OF PRINTER.

Electoral District of

I,
 swear (or solemnly affirm).

(1) That by direction of the Returning Officer for the above named Electoral District I printed the ballot papers for use at the election to be held on the day of 19 , (insert date of polling) on the paper furnished by him for that purpose.

(2) That the annexed form shows the description of the ballot papers printed by me as aforesaid.

(3) That I supplied the Returning Officer with of such ballot papers.

(4) That no other of such ballot papers were printed by or supplied by me to anyone.

Sworn (or affirmed) before me at
 the of this
 day of , 19 .
 A Commissioner, etc.
 (or as the case may be).
 See section 6. }

8 Edw. VII. c. 3, Form 11.

FORM 12.

(Referred to in Section 70.)

FORM OF BALLOT PAPER.

Front.

The black line above the first name shall extend to the upper edge, and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines be prolonged to the edge of the paper. The black margin to the left represents the counterfoil and the space to the left of the counterfoil represents the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

I WM. R. BROWN
of the City of Toronto, Barrister.

2 FRANK HAMON
of the City of Toronto, Artist.

3 JOSEPH O'NEIL
of the City of Toronto, Gentleman.

4 JOHN R. SMITH
of the City of Toronto, Merchant.

FORM 12.—(Continued.)

*Form of Ballot Paper.**Back.*

No. 325

No. 325

POLL BOOK

No.

D. R. O.
INITIALS.ELECTORAL DISTRICT
OF

19

FORM 13.

(Referred to in Sections 25 and 72.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter is to vote only for one candidate, unless more than one member is to be elected for the electoral district, in which case he may vote for as many candidates as are to be elected.

Where there are more seats than one the voter will receive one ballot paper for each seat and may vote for one candidate only for each seat.

The voter shall go into one of the compartments and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate or within the white spaces containing the names of the candidates for whom he votes, thus X.


The voter shall then fold the ballot paper so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the Deputy Returning Officer, who shall, in full view of those present, including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box; the voter shall then forthwith leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the Deputy Returning Officer, who will give him another.


If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the Deputy Returning Officer, to be placed in the ballot box, any other paper than the ballot paper given him by the Deputy Returning Officer, he will be liable to imprisonment for one year.


In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, Joseph O'Neil and John R. Smith, and the voter has marked his ballot paper in favour of John R. Smith and the counterfoil has been detached.




I WM. R. BROWN
of the City of Toronto, Barrister.




2 FRANK HAMON
of the City of Toronto, Artist.



3 JOSEPH O'NEIL
ot the City of Toronto, Gentleman.



4 JOHN R. SMITH
of the City of Toronto, Merchant.

**X**

FORM 14.

(Referred to in Section 73.)

CERTIFICATE OF CLERK OF MUNICIPALITY.

Showing date fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the County Judge under The Ontario Voters' Lists Act;

Electoral District of

I, _____ Clerk of the Municipality of _____ in the County of _____ do hereby certify that the time fixed for the assessor to begin to make the assessment roll on which the voters' list for the said municipality proper to be used for the purposes of the election to be held on the _____ day of _____ 19____, (*insert date of polling*) is based, was the _____ day of _____ 19____; and that the last day on which a complaint could be made to the Judge under *The Ontario Voter's Lists Act* was the _____ day of _____ 19____.

Dated this _____ day of _____ 19____.

A. B.,
Clerk.

8 Edw. VII. c. 3, Form 14.

FORM 15.

(Referred to in Sections 81 (1), 84.)

COMMISSION OF POLL CLERK.

To I. J. (*Insert his residence and occupation*).

In my capacity of Deputy Returning Officer for the Polling Place No. _____, of the Township (*or as the case may be*), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand _____, this _____ day of _____, 19____.

G. H.,
Deputy Returning Officer.

8 Edw. VII. c. 3, Form 15.

FORM 16.

(Referred to in Sections 81, 83 (1).)

OATH OF POLL CLERK.

I, *I. J.*, appointed Poll Clerk for Polling Place No. _____ of the Township *(or as the case may be)* swear *(or, solemnly affirm)* that I am legally qualified to act as Poll Clerk and that I will act faithfully in that capacity and also in that of Deputy Returning Officer, if required to act in that capacity according to law, without partiality, fear, favour or affection:

So help me God.

Sworn *(or affirmed)* before me at
the of this
day of , 19 .

A Commissioner, etc
(or as the case may be).
See section 6.

I. J.,
Poll Clerk.

8 Edw. VII. c. 3, Form 16.

FORM 17.

(Referred to in Section 95.)

FORM OF OATH IN ORDINARY CASES TO BE ADMINISTERED TO A VOTER.

(Letters refer to notes at end of Form.)

You swear (a)

1. That you are the person named or intended to be named by the name of _____ in the polling list now shown to you, *(or where a voter votes on a certificate given under section 88, that you are the person named in the certificate now shown to you).*

2. That you are of the full age of twenty-one years, and are a British subject by birth or naturalization, and are not a citizen or a subject of any foreign country.

3. That you have resided within the Dominion of Canada for the nine months next preceding the (b) _____ day of 19 , *(or at the option of the voter)* that you have resided within the Dominion of Canada for the twelve months next preceding the (c) _____ day of 19 .

4. That you were on the said day in good faith a resident of and domiciled in the municipality on the list of which you are entered; that you have resided in this electoral district continuously from the said day; (d) and that you are now actually residing and domiciled therein.

OR in the case of a clergyman or of a High or Public or Separate school teacher voting under section 20, in lieu of paragraph 4.

[4. That you were on the said day in good faith a resident of and domiciled in the municipality on the list of which you are entered.

- (a) That you are a clergyman (or a High or Public or Separate school teacher, as the case may be).
- (b) That you are still a resident of Ontario.
- (c) That you have resided in this electoral district continuously from the said day until within three months next preceding this election.
- (d) That you are not entitled to vote in any other electoral district.]

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

OR at the option of the Voter in lieu of paragraph 7.

[7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election, except what has been *bona fide* earned by you and may be lawfully paid to you under *The Ontario Election Act* by or through the Returning Officer or Deputy Returning Officer or other proper public officer out of public moneys without committing a corrupt practice, and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you by or on behalf of the candidate or otherwise under *The Ontario Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.]

8. And that you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) The date to be inserted is the date fixed by law or by a by-law authorized by Statute for the assessor to begin to make the assessment roll.

(c) The date to be inserted is the last day for making a complaint to the County Judge under *The Ontario Voters' Lists Act*.

(d) In case the voter has been temporarily absent, insert the words following "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*)" as the case may be.

FORM 18.

(Referred to in Section 95.)

FORM OF OATH TO BE ADMINISTERED TO A MANHOOD SUFFRAGE VOTER
AT ELECTIONS TO WHICH THE MANHOOD SUFFRAGE REGISTRATION
ACT APPLIES.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ on the polling list now shown to you (or, where the voter votes on a certificate given under section 88, that you are the person named in the certificate now shown to you).

2. That you are of the full age of twenty-one years and are a British subject by birth or naturalization, and are not a citizen or a subject of any foreign country.

3. That you have resided within the Dominion of Canada for the twelve months next preceding the (b) _____ day of _____, 19 ____ (c).

4. That you were on the said day and for the three months next preceding the same in good faith a resident of and domiciled in this municipality and that you are now actually residing and domiciled in this electoral district; (and in the case of any municipality divided into two or more electoral districts and of any municipality parts of which are situated in two or more electoral districts); that you have resided in this electoral district for the thirty days next preceding the said day, and continuously from the said day, and that you are now actually residing and domiciled therein.

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

OR at the option of the Voter in lieu of paragraph 7.

[7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance, or any other service whatever, connected with this election, except what has been *bona fide* earned by you and may be lawfully paid to you under *The Ontario Election Act* by or through the Returning Officer or Deputy Returning Officer or other proper public officer out of public moneys without committing a corrupt practice, and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you by or on behalf of the candidate or otherwise under *The Ontario Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.]

8. And that you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(b) Insert here the day of the first sittings held for the registration of Manhood Suffrage Voters on which list of voters is based.

(c) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following “except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student at an institution of learning in the Dominion of Canada, that is to say (*here name institution*)” as the case may be.

8 Edw. VII. c. 3, Form 18.

FORM 19.

(Referred to in Section 95.)

FORM OF OATH TO BE ADMINISTERED TO A VOTER IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ in the polling list now shown to you (*or where the voter votes on a certificate given under section 88 that you are the person named in the certificate now shown to you.*)

2. That you are of the full age of twenty-one years and are a British subject by birth or naturalization, and are not a citizen or a subject of any foreign country.

3. That you have resided within the Dominion of Canada for the nine months next preceding the (b) _____ day of 19 _____.

4. That you were on the said day in good faith a resident of and domiciled in the territory for which the voters' list was prepared, and that you have resided in this electoral district continuously from the said day (c), and that you are now actually residing and domiciled therein.

OR in the case of a clergyman or a High or Public or Separate school teacher voting under section 20 in lieu of paragraph 4.

[4. That you were on the said day in good faith a resident of and domiciled in the territory for which the voters' list was prepared.

(a) That you are a clergyman (*or a High or Public or Separate school teacher, as the case may be.*)

(b) That you are still a resident of Ontario.

(c) That you have resided in this Electoral District continuously from the said day until within three months next preceding this election.

(d) That you are not entitled to vote in any other electoral district.]

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything, nor has anything been promised you directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

OR at the option of the Voter in lieu of paragraph 7.

[(7). That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election, except what has been *bona fide* earned by you and may be lawfully paid to you under *The Ontario Election Act* by or through the Returning Officer or Deputy Returning Officer or other proper public officer out of public moneys without committing a corrupt practice, and except also what has been *bona fide* earned by you and has been or may be lawfully paid and received by you by or on behalf of the candidate or otherwise under *The Ontario Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.]

8. And that you have not directly or indirectly paid or promised anything to any person, to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) The date to be here inserted is the day fixed by proclamation under Part III. of *The Ontario Voters' Lists Act* for beginning to make the voters' list.

(c) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following "except occasionally or temporarily or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*)" as the case may be.

8 Edw. VII. c. 3, Form 19.

FORM 20.

(Referred to in Section 100 (2).)

FORM OF OATH OF INABILITY TO READ.

I, A. B., of _____ swear (or solemnly affirm) that I am unable to read [or that I am from physical incapacity unable to mark a ballot paper, (*as the case may be.*)]

Sworn (or affirmed) before me at _____
in the County of _____

this _____ day of _____, 19____.
Having been first read over to the
above named A. B., and signed by
him in my presence with his mark.

A.B. (His X mark.)

Deputy Returning Officer.

8 Edw. VII. c. 3, Form 20.

FORM 21.

(Referred to in Sections 117 (1), 138.

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling Place No.
Electoral District of

Number of Ballot Papers received from the Return- ing Officer.....	.....	.....
Number of Ballots cast for.....	.....	.....
“ “ “
“ “ “
“ “ “
“ “ “
Number of Ballot Papers declined (Section 107)... ..	.....	.....
Number of Ballot Papers taken from polling place (Section 107) .....	.....	.....
Number of Ballot Papers cancelled (Section 109).. ..	.....	.....
Fumber of Ballots rejected (Section 114).....	.....	.....
Number of Ballot Papers not used and returned).. ..	.....	.....
Totals.....	.....	.....

We hereby certify that the above statement is correct.

Dated at , 19 .

A. B.,
Deputy Returning Officer.

Poll Clerk.

(Candidates or agents may also sign.)

NOTE.—Where there are separate seats for an Electoral District there must be separate statements for each seat.

FORM 22.

(Referred to in Section 117 (3).)

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, Deputy Returning Officer for polling place No. _____ in the _____ of _____ in the electoral district of _____, do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz:—

NAMES OF CANDIDATES.	NUMBER OF BALLOTS.
.....
.....
.....
.....
.....
.....

and also that _____ ballot papers were rejected.

Dated at _____
this _____ day of _____, 19 _____.

G. H.,
Deputy Returning Officer.

8 Edw. VII. c. 3, Form 22.

FORM 23.

(Referred to in Section 118.)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.

I, _____ Poll Clerk for Polling Place No. _____ of the Electoral District of _____, swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of G. H., who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is _____; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed)
before me at
this day of
19 .

A Commissioner, etc.
(or as the case may be).
See section 6.

I. J.,
Poll Clerk.

8 Edw. VII. c. 3, Form 24.

FORM 24.

(Referred to in Section 120 (1).)

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I, swear (or solemnly affirm) that I am the
person to whom Deputy Returning Officer for
Polling Place No. of the of
in the Electoral District of entrusted
the ballot box for the said polling place to be delivered to
the Returning Officer; that the ballot box which I delivered
to the Returning Officer this Day, is the ballot box I so received;
that I have not opened it and that it has not been opened by any
other person since I received it from the Deputy Returning
Officer.

So help me God.

Sworn (or affirmed) before
me at this
day of 19 .

A Commissioner, etc.
(or as the case may be).
See section 6.

8 Edw. VII. c. 3, Form 25.

FORM 25.

(Referred to in Section 120 (2).)

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, _____ Deputy Returning Officer for Polling Place No. _____, of the Electoral District of _____, swear (or solemnly affirm) that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is _____, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, polling list, poll book, envelopes containing ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the Returning Officer, which was locked and sealed by me, in accordance with the provisions of *The Ontario Election Act* and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me at _____ }
 in the County of _____ } *G. H.,*
 this day of _____, 19____ } Deputy Returning Officer.

A Commissioner, etc.
 (or as the case may be).
See section 6.

8 Edw. VII. c. 3, Form 23.

FORM 26.

(Section 145.)

Statement by Returning Officer respecting Votes Polled and Ballot Papers used at the Polling Places of the Electoral District of
at the Election held on the day of , 19 .

Electoral District.	Numbers of Polling Places.	Names of candidates and number of votes polled for each.			Voters at each Polling Place.			Ballot papers sent out, and how disposed of in each Polling Place.							Remarks.
					Total number of votes polled.	Number of votes remaining unpolled.	Number of names on the Polling Lists.	Number of ballot papers sent out to each Polling Place.	Used ballot papers.	Unused ballot papers.	Rejected ballot papers.	Cancelled ballot papers.	Declined ballot papers.	Ballot papers taken from polling places.	

8 Edw. VII. c. 3, Form 26.

FORM 27.

(Referred to in Section 146.)

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING
HIS RETURN TO THE CLERK OF THE CROWN IN CHANCERY.

I, _____ Returning Officer for the Electoral District
of _____ swear (or affirm)

1. That, of the packets received by me as such Returning Officer from the Deputy Returning Officers in respect of the recent election for the said Electoral District, I have not opened or permitted to be opened, any of the envelopes containing the ballot papers.

2. That I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a Returning Officer under *The Ontario Election Act*.

3. That none of the other packets were opened by any person since they were returned to me by the Deputy Returning Officers, (or, in the case of a recount add, except by the Judge of the County Court, on a recount).

4. That I have not ascertained and have not attempted to ascertain, from the ballot papers or other contents of any of the said packets how any person voted.

5. That I have this day transmitted to the Clerk of the Crown in Chancery my return in respect of the said election.

So help me God.

Sworn (or affirmed) before
me at _____ this
day of _____ 19 ____ .

A Commissioner, etc.
(or as the case may be).
See section 6.

8 Edw. VII. c. 3, Form 27.

FORM 28.

(Referred to in Section 164.)

OATH OF SECRECY.

Electoral District of _____

Polling Place No. _____

I, _____ swear (or solemnly affirm)

1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining how any person is about to vote or shall have voted at this election save and except as may be necessary and proper in the case

of persons blind or unable to read, or incapable of marking their ballot papers as provided in *The Ontario Election Act*.

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

So help me God.

Sworn (or affirmed) before
me at this
day of 19 .

A Commissioner, etc.
(or as the case may be).
See section 6.

S Edw. VII. c. 3, Form 28.

SCHEDULE B.

FEES AND EXPENSES OF RETURNING OFFICERS.

(Referred to in Section 209 (1).)

1. Drawing Proclamation	\$ 1 00
2. Pay of Election Clerk attending nomination.....	4 00
3. Pay of Election Clerk attending adding up of votes.....	4 00
4. Two constables attending nomination (each).....	2 00
5. Holding election and if there is no contest making return—including appointment and swearing of Election Clerk	10 00
6. Appointing and swearing deputies (each).....	50
7. Payment to Clerk of the Peace or Clerk of the Muni- cipality for furnishing Polling Lists as provided by section 81 of <i>The Ontario Voters' Lists Act</i>	
8. If there is a contest (in addition to item 5) for final addition of votes and declaration of election and making up and transmitting the return to the Clerk of the Crown in Chancery (including duplicates to each candidate) and all other services connected therewith.....	20 00
9. Mileage (except in a city forming a separate electoral district or divided into electoral districts) for posting pro- clamation, appointing and swearing deputies and delivering polling lists, etc., to them and going to and returning from nomination to be allowed to both the Returning Officer and Election Clerk for every mile necessarily travelled from place to place to be taxed in the same manner as Sheriff's mileage on summoning jurors.....	10

10. Dividing a municipality or part thereof into polling subdivisions under subsection 3 of section 53—a reasonable allowance to be fixed by the Auditor of Criminal Justice Accounts.

11. Polling places as provided by subsection 4 of section 54.

DEPUTY RETURNING OFFICERS.

12. Holding the poll, including all services connected therewith and making returns.....	\$ 6 00.
13. Pay of Poll Clerk, one day.....	3 00
14. Pay of one Constable, one day.....	2 00
15. Providing Voting Compartments (each).....	1 00

AUDITOR CRIMINAL JUSTICE ACCOUNTS.

16. For services under subsection 3 of section 209 a reasonable allowance to be fixed by the Lieutenant-Governor in Council.

8 Edw. VII. c. 3, Schedule B.